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MARKETING ORDERS FOR FRUITS AND VEGETABLES

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HEARING

BEFORE THE

SUBCOMMITTEE ON DOMESTIC MARKETING AND CONSUMER RELATIONS

OF THE

COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES

EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

H.R. 299, H.R. 445, H.R. 1061, H.R. 7599, H.R. 8020,
H.R. 8921, H.R. 9139, and H.R. 9418

JULY 20, 1965

Serial O

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WASHINGTON : 1965

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MARKETING ORDERS FOR FRUITS AND VEGETABLES

TUESDAY, JULY 20, 1965

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DOMESTIC MARKETING AND
CONSUMER RELATIONS OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, at 10:10 a.m., pursuant to notice, in room 1302, Longworth House Office Building, Washington, D.C., Hon. Spark M. Matsunaga (chairman of the subcommittee) presiding.

Present: Representatives Matsunaga (presiding), Hagen of California, Purcell, Foley, Greigg, and Mrs. May.

Also present: Representative Redlin.

Christine S. Gallagher, clerk.

Mr. MATSUNAGA (presiding). The meeting of the Subcommittee on Domestic Marketing and Consumer Relations will please come to order.

The Chair wishes to state at the outset that there was some confusion as to the date on which this hearing would be held. Some of the witnesses had been given the date of July 27, but it was decided to hold the hearing today since these witnesses had no objection.

We are here, therefore, for our first meeting of our subcommittee with a brandnew subcommittee chairman. So if we make any mistakes, I hope that you will excuse us.

We have today on the agenda 10 bills, H.R. 299 and H.R. 445 introduced by Mr. de la Garza, H.R. 4667 introduced by Mr. White of Idaho, H.R. 8020 introduced by Mr. Sisk, H.R. 4021 and H.R. 7599 introduced by Mr. Ullman, H.R. 9139 introduced by Mr. Tunney, H.R. 1061 introduced by Mr. McFall, H.R. 9418 introduced by Mr. Fascell, and H.R. 8921 introduced by Mr. Hagen of California.

These bills, together with the Department reports, will be made a part of the record at this point.

(H.R. 299 by Mr. de la Garza, H.R. 445 by Mr. de la Garza, H.R. 1061 by Mr. McFall, H.R. 4021 by Mr. Ullman, H.R. 4667 by Mr. White of Idaho, H.R. 7599 by Mr. Ullman, H.R. 8020 by Mr. Sisk, H.R. 8921 by Mr. Hagen of California, H.R. 9139 by Mr. Tunney, H.R. 9418 by Mr. Fascell, and the Department reports follow:)

[H.R. 299, 89th Cong., 1st sess.]

A BILL To amend the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by inserting in section 2(3) thereof "such container and pack requirements provided in section 8c(6) (H)," immediately after "establish and maintain".

[H. R. 445, 89th Cong., 1st sess.]

A BILL To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to earrots, citrus fruits, and onions to provide for paid advertising

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937) (7 U.S.C. 608c(6)(I)) is amended by inserting "or carrots, citrus fruits, and onions" immediately after "applicable to cherries".

[H. R. 1061, 89th Cong., 1st sess.]

A BILL To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to Tokay grapes to provide for paid advertising

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937) (7 U.S.C. 608c(6)(I)) is amended by inserting "or Tokay grapes" immediately after "applicable to cherries".

[H. R. 4021, 89th Cong., 1st sess.]

A BILL To amend the Agricultural Marketing Agreement Act of 1937 to permit the issuance of marketing orders for onions for canning or freezing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (A) of paragraph (2) of section 8c of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937), as amended (7 U.S.C. 608c(2)(A)), is amended by inserting "and onions" immediately after "(not including vegetables, other than asparagus)".

[H. R. 4667, 89th Cong., 1st sess.]

A BILL To amend the Agricultural Marketing Agreement Act of 1937 to permit the issuance of marketing orders for onions for canning or freezing

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (A) of paragraph (2) of section 8 of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937), as amended (7 U.S.C. 608c(2)(A)), is amended by inserting "and onions" immediately after "(not including vegetables, other than asparagus)".

[H. R. 7599, 89th Cong., 1st sess.]

A BILL To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to pears to provide for paid advertising

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937) (7 U.S.C. 608c(6)(I)) is amended by inserting "or pears" immediately after "applicable to cherries".

[H. R. 8020, 89th Cong., 1st sess.]

A BILL To amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to authorize provision for marketing promotion and paid advertising under marketing orders for plums or nectarines

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by inserting in section 8c(6)(I) thereof "plums or nectarines" immediately after the word "cherries".

[H.R. 8921, 89th Cong., 1st sess.]

A BILL To amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to authorize provision for marketing promotion and paid advertising under marketing orders for plums or nectarines

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by inserting in section 8c(6)(I) thereof “, plums or nectarines” immediately after the word “cherries”.

[H.R. 9139, 89th Cong., 1st sess.]

A BILL To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to dates to provide for paid advertising

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937) (7 U.S.C. 608c(6)(I)) is amended by inserting “or dates” immediately after “applicable to cherries”.

[H.R. 9418, 89th Cong., 1st sess.]

A BILL To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937) (7 U.S.C. 608c(6)(I)) is amended by inserting a comma and the following: “celery, sweet corn, limes, or avocados” immediately after “applicable to cherries”.

DEPARTMENT OF AGRICULTURE,
Washington, D.C. March 15, 1965.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request of January 12, 1965, for a report on H.R. 445, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to permit marketing orders applicable to carrots, citrus fruits, and onions to provide for any form of marketing promotion including paid advertising.

The Department recommends that this bill be passed. However, to avoid possible ministerpretation, it also recommends that the proposed amendatory insertion in section 8c(6)(I) be revised to read as follows: “, carrots, citrus fruits, or onions”.

The act does not authorize advertising of commodities except for cherries under marketing agreement and order programs. There is one marketing order program in effect for cherries, those grown in designated counties in the State of Washington, but it does not include provisions for advertising. Therefore, the Department has not had any experience in the operation of an advertising program under marketing agreements and orders. However, if the growers of the commodities specified believe that advertising will benefit them, thereby tending to meet the objectives of the act, such authority should be added to the act.

Fruit and vegetable industries have expressed growing interest in advertising programs in recent years. Some are now conducting programs under State marketing orders, commissions, or similar authorities established by State legislation. Voluntary efforts have shown that financing an advertising program is difficult without the help of State legislation or similar mediums such as under a Federal marketing order. Growers and handlers believe that advertising authority under the Federal statute will not only provide a means to finance such programs but will also increase interest among producers in other benefits which may be derived from Federal marketing agreements and orders. The commodities listed in H.R. 445 would serve in providing experience now lacking in the operation of Federal marketing agreements and orders.

Similar legislation was introduced in the 88th Congress for authorization to provide paid advertising for Tokay grapes (H.R. 11464). The Department forwarded a favorable report on H.R. 11464 to the Committee on Agriculture, July 31, 1964; however, no final action was taken on this particular bill.

Marketing agreement and order programs are now in effect for citrus grown in all three of the major production areas; for onions grown in south Texas and in Idaho-eastern Oregon; and for carrots grown in south Texas. Any additional cost to the Department that may result from the enactment of this proposed legislation would be absorbed within existing appropriations with respect to these programs. However, any new programs that might result by the enactment of this proposed legislation would entail an estimated annual cost of \$25,000 for each new marketing order.

The Bureau of the Budget advises that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely yours,

(S) CHARLES MURPHY,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 22, 1965.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of January 12, 1965, for a report on H.R. 299, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended.

The Department recommends that this proposal be passed. H.R. 299 would, by amending section 602(3) of the act, authorize container and pack regulations when prices exceed parity.

Authority for container and pack regulations under marketing orders section 608c(6)(H), was added to the act in 1954. This authority has been well received by many industries operating under marketing orders, and provisions for such regulations have been incorporated in several of our fruit and vegetable marketing orders. Some of these industries, including Texas carrots and Texas citrus fruits, have been unable to initiate or continue container and pack regulations in above parity situations. These industries are unable to see any logical reason why pack and container regulations should not be continued when prices are above parity. We agree with them. Such regulations largely are aimed at assuring adequate and nondeceptive containers, packed in desired arrangements for the commodity regulated so as to receive a favorable reception in marketing channels, and we believe that they are in the public interest at all price levels.

Section 602(3) was added to the act in 1947 and provides for such minimum standards of quality and maturity and such grading and inspection requirement as will effectuate such orderly marketing as will be in the public interest when prices exceed parity. This has been a very desirable addition to the act and has provided for added flexibility in the operation of marketing orders. In addition to the amendment to this section proposed by H.R. 299, we recommend that the authority contained in this section to regulate in above parity situations be extended to the initiation or continuation of marketing research and development projects. Here, again, we know of no logical reason for discontinuing marketing research and development projects when prices are above parity. Such projects are aimed at making improvements in marketing and this objective is a worthwhile one at all price levels. Our recommendation for this added authority could be accomplished by inserting "such marketing research and development projects provided in section 8c(6)(I)," after section 8c(6)(H) in line 8 of H.R. 299. The bill would then read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of (1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by inserting in section 2(3) thereof 'such container and pack requirements provided in section 8c(6)(H), such marketing research and development projects provided in section 8c(6)(I),' immediately after 'establish and maintain'."

The authority for research and development projects was also added to the act in 1954. More and more interest is being expressed in these projects as time goes on. Because of the nature of most commodities covered by marketing orders, and the trends in marketing practices, experience shows that some projects should extend over two or more marketing seasons. It is possible that

during one of these seasons prices will be above parity. The freezes in the past few years, for example, have created such a situation in the case of citrus fruits.

Passage of the proposed legislation should not involve any additional costs. Most fruit and vegetable marketing orders now contain authority for minimum standards, container and pack regulations, also for research and development projects.

The Bureau of the Budget advises there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 21, 1965.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of May 17, 1965, for a report on H.R. 8020, a bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit marketing orders applicable to plums and nectarines to provide for any form of marketing promotion including paid advertising.

This Department favors enactment of H.R. 8020.

The advertising of commodities under marketing agreement and order programs has not been authorized except for cherries. The one program that we have for cherries, those grown in certain counties in the State of Washington, does not include provisions for advertising. Thus, the Department has not had any experience in the operation of an advertising program under a marketing agreement and order. However, agricultural producers have continued to expand the use of advertising and trade promotion in the marketing of their crops. There is scarcely a State in which the producers of some commodity have not set up, under State legislation, a program to promote their commodity in the marketplace. Some States have established commissions for this purpose while others have used State marketing orders. However, the principal feature of each is a compulsory assessment on producers, handlers, or both to provide funds to finance the programs.

The trend has definitely been in the direction of more and more commodity advertising and promotion in agriculture. We anticipate further efforts will be made by fruit and vegetable industries to obtain the means of financing the advertising and promotion of these commodities so as to maintain or advance their position in the marketplace. The Agricultural Marketing Agreement Act could provide the facility for this purpose. We believe any fruit or vegetable commodity group which actively supports the development of a promotion program by this means should be given the opportunity to do so.

It is estimated that the enactment of the proposed amendment would result in additional administrative costs of approximately \$25,000 per year for each additional marketing order that is issued. However, the major portion of the U.S. production of plums and nectarines for fresh market is in California and it may be that only the California industries will desire to take advantage of the authority that would be provided by the amendment. We now have marketing agreement programs for California plums and nectarines and any additional costs to the Department that may result from the amendment with respect to such programs would be absorbed within existing appropriations.

The Bureau of the Budget advises that there is no objection, from the standpoint of the administration's program, to the presentation of this report.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 13, 1965.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of June 8, 1965, for a report on H.R. 7599, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to permit marketing orders for pears to include provisions for paid advertising.

This Department recommends that the bill be passed.

The act currently does not authorize advertising of commodities, other than cherries, under marketing agreement and order programs. There is one existing marketing order program for cherries, which covers sweet cherries grown in certain counties in the State of Washington, but it does not include provisions for advertising. Thus, the Department has not had any experience in the operation of an advertising program under a marketing agreement and order. However, we believe that any fruit and vegetable commodity group which desires to develop a promotion program by this means, and is willing to undertake the necessary work to obtain industry approval of the program, should be given the opportunity to do so.

Agricultural producers have continued to expand the use of advertising and trade promotion in the marketing of their crops. There is scarcely a State in which the producers of some commodity have not set up, under State legislation, a program to promote their commodity in the marketplace. Some have established commissions for this purpose while others have used State marketing orders. However, the principal feature of each is a compulsory assessment of producers, handlers, or both to provide funds to finance the program.

The trend is definitely in the direction of more and more advertising and promotion in agriculture. We anticipate further efforts will be made by fruit and vegetable industries to obtain the means of financing the advertising and promotion of these commodities so as to maintain or advance their position in the marketplace. The Agricultural Marketing Agreement Act could provide the facility for this purpose. We believe any fruit and vegetable commodity group which actively supports the development of a promotion program by this means should be given the opportunity to do so.

Marketing agreement and order programs are now in effect for Bartlett pears grown in California and for winter pears grown in the three Pacific-coast States. Any additional administrative costs to the Department that may result from the proposed amendment with respect to these programs would be absorbed within existing appropriations. However, any new programs that may result from the enactment of the amendment would result in an estimated cost of about \$25,000 for each additional marketing order that is issued.

The Bureau of the Budget advises that there is no objection, from the standpoint of the administration's program, to the presentation of this report.

Sincerely yours,

ORVILLE S. FREEMAN.

Mr. MATSUNAGA. As our first witness we have our colleague from California, Mr. Sisk, who introduced H.R. 8020.

We will be glad to hear from you now.

STATEMENT OF HON. B. F. SISK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. SISK. Thank you, Mr. Chairman. I appreciate this opportunity to appear first this morning, since I understand that there is a little problem before my own committee this morning at 10:30.

H.R. 8020, Mr. Chairman, I believe is about the fourth or fifth bill that we have introduced this year due to some changes from the initial bill. We finally have it. The others are somewhat outdated, due, as I say, to some minor changes.

Mr. Chairman, I introduced H.R. 8020 which amends the Agricultural Marketing Agreement Act of 1937 as amended, to authorize marketing promotion and paid advertising under Federal marketing orders for plums and nectarines. As you may know, the only industry presently under a Federal marketing order which is now so authorized is the cherry industry.

I might depart from my prepared statement very briefly to state that it is my understanding that Mr. de la Garza of Texas and also my good friend Congressman Ullman of Oregon have prepared, and I believe in their bills taken some other commodities. I wish to say, as far as I am personally concerned I am in support of granting this

authority to use marketing promotion and paid advertising in any commodity under a national marketing order. In fact, for a great many years I have agitated for general legislation which would permit this, subject of course, to the particular group and their desires as to whether or not they wished to use some type of checkoff system for promotion and advertising and I say this to indicate to the subcommittee that I leave it up to the subcommittee's good judgment and wisdom. I have no particular pride of authorship in the bills which I have introduced. I simply am indicating that it seems to me that on this whole program of national Federal marketing orders that this is an opportunity that people should have the right to use if they desire to do so; and, therefore, that in the final analysis, probably, general legislation in this field would be good. I say again that this is up to the wisdom of the subcommittee.

This legislation was introduced at the official request of the administrative boards of both industries. In my opinion, specialty crops need to strive for enlargement of their markets, and I wish to commend the aggressive efforts of the plum and nectarine groups in asking for this opportunity to engage in promotional and advertising programs.

In the past 10 years, the plum crop in California has increased approximately twice, while nectarines have increased by more than five times the output in 1955. The nectarine industry has been capable of handling this growth, but the plum group has had some serious marketing problems. Prices being received for plums in eastern markets today do not return the cost of packing and transportation in most instances. Consequently, the plum growers have been forced to ask the USDA for a surplus removal program.

In conclusion, I feel it is essential that you permit plums and nectarines to initiate industrywide promotional programs before the next marketing season in order to increase consumption, and thus alleviate the present marketing problem. A point that should be taken into consideration is that these programs would be supported by the payment of assessments, and therefore, would not involve the expenditure of Federal funds. I also want to make clear that the enactment of this bill would provide an authorization only, and it would then be up to the persons engaged in each industry to decide whether or not they want to assess themselves for the program.

With your permission, Mr. Chairman, I would like to introduce several telegrams and, I believe, one or two letters from industry people who will substantiate my presentation and, I am sure, give you more specific details. These people were not able to be present today due to the cost of transportation and the pressure of work. It is noteworthy that as far as I know there is no opposition to this legislation. And, I believe, the U.S. Department of Agriculture has submitted a favorable report.

I recognize that the members of this subcommittee are experts in this field and I ask only that you weigh the evidence presented.

Thank you for your kind attention.

I might say additionally that probably had I urged it there would have been several people here from California to testify, because this is of substantial importance to them and their absence here should in nowise indicate their lack of interest and concern about this problem, but it was felt that unless there were substantial questions raised that the 6,000-mile trip not be necessary for them to make.

If there are any questions, I will be glad to answer them.

Mr. MATSUNAGA. The telegrams and letters to which you have referred, unless there is objection, will be made a part of the record at this point.

(The telegrams and letters follow:)

DINUBA, CALIF., July 17, 1965.

Congressman B. F. SISK,
Committee on Agriculture, Subcommittee on Domestic Marketing and Consumer Relations, House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: My name is Leroy Giannini. I am a grower and shipper of plums and nectarines. I am also the chairman of the Nectarine Administrative Committee, which is the body administering the Federal order which regulates the quality of all California nectarines.

Your committee is now being asked to consider H.R. 8020, which will make it possible under Federal marketing orders for growers to promote and advertise nectarines and plums. Both industry commodities are united in their position on H.R. 8020 and have unanimously passed resolutions approving the passage of this legislation.

We are extremely hopeful that you will look upon this request with favor. We are at present suffering one of the most disastrous marketing seasons in history and we think promotion and the stimulation of interest in our plums and nectarines is one long range of avenue with which we can improve our position in the marketplace.

Thanking you in advance, I am,

LEROY G. GIANNINI,
*President, Giannini Packing Corp.,
Chairman of the Nectarine Administrative Committee.*

REEDLEY, CALIF., July 17, 1965.

Congressman B. F. SISK,
Rayburn House Office Building, Washington, D.C.:
(Attention Subcommittee on Domestic Marketing and Consumer Relations,
Hon. Matsunaga, chairman, regarding Sisk bill, H.R. 8020.)

In view of demoralizing situations concerning all California plums and nectarines, our firm strongly feels the Sisk bill, H.R. 8020, should be adopted as proposed. We represent approximately 1,000 tons of plums and 1,200 tons of nectarines.

SUN VALLEY GRAPE DISTRIBUTING CO.,
JOHN KASABIAN, Owner.

REEDLEY, CALIF., July 16, 1965.

To Committee on Agriculture, Subcommittee on Domestic Marketing and Consumer Relations.

Congressman B. F. SISK,
House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: California plum and nectarine industry in dire need of promotional opportunities offered in H.R. 8020 as evidenced by catastrophic year for 1965 plums which worst in history and if have opportunity to advertise and promote with retailers have better opportunity for retail support in promotional programs which could revitalize these industries as had been proven in other fruit industry promotional programs and farmers and shippers heartily in favor as evidenced by both boards of directors on commodity groups favoring passage H.R. 8020, so whatever favorable consideration your committee gives will be appreciated by farmers and packers of nectarines and plums.

Respectfully submitted.

L. R. HAMILTON.
ROBERT HAMILTON.
W. A. HAMILTON,
P. A. STANLEY,
W. SCOTT PEACOCK.

SANGER, CALIF., July 17, 1965.

Representative B. F. SISK

Rayburn House Office Building, Washington, D.C.:

(Attention Subcommittee on Domestic Marketing and Consumer Relations,
Hon. Matsunaga).

Urge quick passage H.R. 8020 for advertising plums and nectarines through Federal marketing order plum market lowest prices and supply heaviest in 30 years. Nothing but heavy losses to growers. We must promote these crops in order to create profits. I ship and sell for over 100 growers of plums and nectarines.

E. L. BARR Jr., *Manager.*

DINUBA, CALIF., July 17, 1965.

Committee on Agriculture, Subcommittee on Domestic Marketing and Consumer Relations.

OFFICE OF CONGRESSMAN B. F. SISK,
House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am a grower and shipper of California plums and nectarines. I strongly urge your committee to approve the passage of H.R. 8020 which will permit promotions and advertising.

CHRIS SORENSEN, *Sorensen Packing Co.*

LOOMIS, CALIF., July 19, 1965.

Congressman B. F. SISK,
Subcommittee on Domestic Marketing and Consumer Relations,
Rayburn Office Building, Washington, D.C.:

As member of plum committee California tree fruit agreement, urge passage H.R. 8020. Prices disastrous.

ROBERT E. HANSEN.

CUTLER, CALIF. July 17, 1965.

Congressman B. F. SISK,
Rayburn House Building, Washington, D.C.:

Appreciate your assistance passage H.R. 8020.

WILEMAN BROS. & ELLIOTT.

SANGER, CALIF. July 19, 1965.

Congressman B. F. SISK,
U.S. House of Representatives, Washington, D.C.:

Rapid approval bill H.R. 8020 for national promotion nectarines and plums extremely important to our fresh fruit industry. I urgently appeal and thank you for your efforts on behalf of the fresh fruit grower.

BALLANTINE PRODUCE CO., INC.,
V. E. RASMUSSEN.

CALIFORNIA TREE FRUIT AGREEMENT,
Sacramento, Calif., July 16, 1965.

SUBCOMMITTEE ON DOMESTIC MARKETING
AND CONSUMER RELATIONS,
Rayburn House Office Building, Washington, D.C.
(Attention of Congressman Sisk).

GENTLEMEN: The plum and nectarine industries of California have requested Congressman Sisk to introduce H.R. 8020 which amends the Agriculture Marketing Agreement Act of 1937 to permit full-scale promotional programs for plums and nectarines in addition to cherries. A resolution was unanimously passed in support of this important legislation at a recent tree fruit industry meeting held in Fresno and attended by a great many growers and shippers of these fruits.

Plums and nectarines have been heavily planted in the State during the past 10 years. The Crop and Livestock Reporting Service estimates the current plum crop at 125,000 tons and the nectarine crop at 75,000 tons. The average production of plums during the period 1950-55 was 76,400 tons and during this period the nectarine crop averaged 14,240 tons. Both fruits are sold almost entirely in fresh channels.

Serious marketing problems have come with the rapidly increasing production, particularly in the case of plums. Prices being received for plums at eastern markets today do not return the cost of packing and transportation in most instances and the plum industry has asked the U.S. Department of Agriculture for a surplus removal program as it has in each of the 2 prior years.

Both nectarines and plums are organized under Federal marketing order programs and the quality controls instituted pursuant to these programs have been helpful in minimizing losses but it is now apparent that market expansion is necessary if widespread economic loss is to be averted. The growers and shippers of these fruits feel that it is necessary to initiate industrywide promotional programs before the next marketing season in an endeavor to increase consumption and this would be most simply and effectively accomplished under the Agricultural Marketing Act. Such programs would be supported by the payment of assessments and, therefore, would not involve the expenditure of public funds. If successful, they would actually reduce such expenditures since they would eliminate the need for the type of Government assistance presently requested for plums.

We respectfully urge your favorable action on H.R. 8020.

Sincerely yours,

GALEN GELLER, *Manager.*

PETERS & GARABEDIAN,
Fresno, Calif., July 16, 1965.

SUBCOMMITTEE ON DOMESTIC MARKETING
AND CONSUMER RELATIONS.

DEAR MR. CHAIRMAN: The passing of bill H.R. 8020 is vitally necessary to our plum and nectarine industry.

As you know, competitive fruits do a great deal of promotional and advertising work. We, as growers of plums and nectarines, must do the same in order to compete in the marketplace with other fruits.

The retailers are constantly reminding us of the need for advertising and promotion and inasmuch as we consider ourselves a captive segment of the retailer, we must abide by some of their wishes in order to have them feature our products.

This certainly is not to our liking but we have no alternative and therefore we ask you to do your utmost in getting H.R. 8020 passed.

Thank you for your efforts in our behalf.

Very truly yours,

JOHN GARABEDIAN.

Mr. MATSUNAGA. If we were to come up with a general bill, as you say, you would have no objection to that?

Mr. SISK. That is correct. I have long ago stated that there should be granted this authority in the form of general legislation to any group operating under Federal marketing orders. I might say, Mr. Chairman, if I could elaborate a little bit further, we have gotten around the lack of this authority in our own State by having State marketing orders. For example, we actually have marketing orders for special commodity groups operating under Federal marketing orders. And we have had a State marketing order jointly set up on the same commodity in order to do this, to have this promotion and advertising, which is so essential. I cite, for example, one commodity, the raisin marketing order, which is one of the most vital and essential economic commodities, certainly, in my area. And now some States do not provide for State marketing orders; and, therefore, they are essentially prohibited from engaging in what to me is an essential and definite part of the promotion of these commodities.

Mr. MATSUNAGA. Are there any questions?

Mr. PURCELL. I would like to make a couple of comments, based on what has been said.

I want first to commend you for your paper. It has been my privilege this year to be a member of what is called the National Commission on Food Marketing. We have had meetings down in Texas, and just 2 weeks ago, I guess it was, we had hearings in California.

Every indication that I got from both of these hearings was in line with your testimony, that this is a very desired privilege and a really important one.

My point is that it seems to me that in the agricultural producing segments of our economy, great progress has been made in producing, but, to my knowledge, there has been a very slight, feeble effort made in selling the product that is grown. And to me this is the weakest part of our whole agricultural producing area. And in some way we must develop a method of taking care of this. Rather than depending upon somebody else entirely to sell the product that we produce.

So I commend you for your effort. And I hope very much that we will get this type of legislation passed.

We have a Constitution which prohibits everything except what it says, and we cannot have a marketing order without amending the Constitution in our State. We have voted on the whole thing so many times that you cannot tell what is in and what is out.

I do not know what opposition there may be from some of our patriotic, independent people, who seem to thrive on misery, but it seems to me that this would be very helpful.

That is the only point I wanted to make.

Mr. SISK. If I could, I should like to say that I appreciate very much the statement made by my good friend and colleague from Texas on this subject, because I am sure the experience you are having on this Commission would be very revealing on this very subject, because I think I appreciate the points that you made as to the producers who produce much of our food, that if they are denied the right to advertise and to promote the sales of their commodities it seems to place them in a very peculiar straitjacket that I think is wholly unfair.

Mr. MATSUNAGA. Any questions, Mrs. May?

Mrs. MAY. Mr. Sisk, I have had some correspondence on whether your bill covers, prunes, or what we often call the Italian plums in the Northwest. And I think that we have received some contradictory statements on this. So I am anxious, Mr. Chairman, that one of the witnesses from the Department of Agriculture would verify whether or not the Italian plums or prunes are covered.

Mr. SISK. Mr. Chairman, if I can, I should like to say that I appreciate very much the comment from my colleague from Washington. We have discussed this. And, of course, my initial feeling was that they would be covered. However, as you indicate, Mrs. May, there have been some differences of opinion, apparently, even in the Department, and I would hope that this might be clarified so that if in the wisdom of the subcommittee this legislation would pass—that this be clarified, however, first. Certainly there is support for such coverage, so far as I am concerned.

Mrs. MAY. Thank you. And if we can verify with testimony from USDA witnesses later on on that subject, it would be helpful. I under-

stand that this is now settled policy in the Department, that they are covered, but I think that the record should show that they are.

Mr. SISK. I appreciate that very much.

I might add, Mr. Chairman, that before you came in, Mrs. May, I advocated, as I have for some 10 years since I have been in Congress, general legislation on this subject which would permit any commodity operating under Federal marketing orders to use promotion and advertising as a part of their program, if they desired it. Unfortunately, we have not been able, apparently, to get this idea over. And I have always had a little problem finding just where the opposition would lie to this. At any rate, we have not been successful and I indicated that if in the wisdom of your committee you felt that this was proper as a program, if this could be made general, I would like it very much.

Mrs. MAY. I want to associate myself with the remarks of my colleague from Texas, since I have certainly shared the same experience that he has, in the meetings of the Commission, in San Francisco on food marketing. The people in California have done an excellent job in the development of programs which allow self-help, where you do it yourself, and the State is involved only insofar as regulations are concerned, seeing that these are carried out. I was very much impressed by what you have been able to do with this problem.

Mr. SISK. Thank you. We think that it is working very well.

Mr. MATSUNAGA. Are there any further questions?

Mr. Griegg?

Mr. GRIEGG. I have no questions.

Mr. MATSUNAGA. Mr. Redlin?

Mr. REDLIN. I wish to say that I wanted to be present when my good colleague, Mr. Matsunaga, had his initial committee hearing and to extend good wishes to him.

I wish to associate myself with the remarks of Congressman Purcell and Congresswoman May in relation to this matter where we are not as rapidly progressing in handling marketing area problems as we are in research problems.

Mr. MATSUNAGA. If there are no further questions, we thank you, Mr. Sisk.

Mr. SISK. Thank you, Mr. Chairman.

Mr. MATSUNAGA. Our next witness has other commitments this morning and wishes to be heard at this time, the gentleman from Oregon, Mr. Ullman.

STATEMENT OF HON. AL ULLMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. ULLMAN. Thank you, Mr. Chairman.

I, too, wish to express my appreciation for this opportunity to testify before your subcommittee. With your permission, I will not read my prepared statement, but request that it be included in the record.

Mr. MATSUNAGA. Without objection, it is so ordered, and it will be made a part of the record at the conclusion of your extemporaneous remarks.

Mr. ULLMAN. I appear here as a longtime advocate of marketing agreements. I think it is a sound approach to many of the problems

of agriculture in America. As a matter of fact, I sponsored legislation to permit national marketing orders because I think in many commodities it would provide the means for producers themselves to resolve many of the problems that have plagued them in the marketplace.

I particularly advocate the principle in the legislation before us—to allow the organizations under the marketing agreements act to promote the advertising of the products of their agricultural industry. I appear particularly on behalf of my bill, H.R. 7599, to include fresh pears in any such legislation that the subcommittee may adopt. I would call your attention to the fact that in my bill I have referred only to “pears,” but I would recommend that it be changed to “fresh pears,” not that we would exclude anybody, but this would clarify any possible misunderstanding that may arise.

Mr. Chairman, as an advocate of marketing agreements and of this principle I would like to add my word to those of the distinguished gentlemen from California, that it would please me to have this principle extended generally to all commodities under marketing agreements.

I thank you very much for this opportunity of testifying before the subcommittee and I also want to congratulate the gentleman from Hawaii for his first session of his subcommittee. I know that this subcommittee under his guidance is going to have a distinguished record.

I want to express to my good friend from Texas, with reference to the subcommittee that he chairs, my appreciation for the long, hard, and arduous efforts he has made on behalf of wheat and American agriculture in general.

I also want to say to my distinguished colleagues that I have long worked with Mrs. May on problems of the fruit industry. The Northwest Horticultural Council, of which Mr. Falk is the director, has its headquarters in her district. I have worked closely with that group, as I know Mrs. May has, in trying to resolve some of the problems in the fruit industry. She represents a great fruit-producing area, second only to my district in Oregon.

Mrs. MAY. He is saying that—I am not.

Mr. ULLMAN. In all seriousness I do want to say that I appreciate the fact that she is here on this committee, because she does understand the problem.

Mrs. MAY. Thank you very much.

(The prepared statement of Hon. Al Ullman follows:)

STATEMENT OF HON. AL ULLMAN, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF OREGON

Chairman Matsunaga, members of the subcommittee, first, I would like to express my appreciation to each of the distinguished members of this subcommittee for affording me the opportunity to submit my views on H.R. 7599, to amend the Agricultural Marketing Act of 1937 to permit marketing orders for paid advertising applicable to pears.

The effect of this legislation would be to promote the advertising of the product of an agricultural industry once a favorable vote by two-thirds of the producers (i.e., 66.67 percent—either by number or volume of production) has determined the extent of support for such a measure. In short, there are three compelling reasons which should be considered in deliberation of this proposal.

While all are interrelated, the first is perhaps the most obvious. Simply put, the need for such advertising is undeniable; in the words of the USDA report, “agricultural producers have continued to expand the use of advertising and trade promotion in the marketing of their crops.” Obviously such promotional

campaigns would contribute to increased productivity and well-being for the industry concerned.

Secondly, while the act of 1937 currently authorizes advertising only on cherries, existing State practices attest to the desirability of expanding this coverage. In short, there are few States in which producers of some commodity have not set up, under State legislation, programs for promotion of their particular products. Since the suggested proposal merely allows growers to use their own efforts to help themselves, without cost to the Federal Government, it would seem logical to support the extension.

This brings up the last point. Not only is the legislation desirable and appropriate, but I know of no dissent concerning its enactment. Reports from the Department of Agriculture and Budget Bureau favored H.R. 7599; likewise; numerous associations have expressed their support. The Hood River Traffic Association, for one, which represents virtually all peargrowers in the Second District of Oregon, voices its complete support. While there had been some disagreement earlier over pears or "fresh pears," those objections have been resolved; and while H.R. 7599 mentions specifically only "pears," I wish to make it clear that any revision by the subcommittee to designate "fresh pears" in place of the original language is entirely satisfactory.

Once again, I wish to thank this subcommittee for being permitted to testify; my hope is that positive action will be taken so that producers can institute needed promotional campaigns. This legislation will achieve that objective, and I urge the members of this subcommittee to respond favorably.

Mr. MATSUNAGA. Thank you, Mr. Ullman, for your complimentary remarks. It reminds me of the days when my wife, when we were not yet married, would say very complimentary things about me, and I would say, "I really do not think so, but what is my opinion against yours." [Laughter.]

Any further questions?

Mrs. MAY. I would just like to say for the record that certainly, representing our Washington growers in pears, they are very anxious to be included. And I would agree with Congressman Ullman that we came to a meeting of the minds that the wording should be "fresh pears," to avoid any misunderstanding or controversy in this area that has arisen probably because of misunderstanding. And it makes everybody happy with this change to have it spelled out that way. I do want to compliment him on that. The growers in my part of the State of Washington are in favor of this.

Mr. MATSUNAGA. What was the objection to the omission of the word "fresh?"

Mr. ULLMAN. As I understand it, the canned pear industry, although not under marketing orders at all, voiced some objections. They would not, as I understand it, be affected by it, nor would they be included within it.

Mrs. MAY. That will be eliminated by the addition of the word "fresh."

Mr. MATSUNAGA. We have many bills relative to additional fruits and vegetables, like tangerines, plums, and many others. You have no objection, then, as I take it from your testimony, to the inclusion of all other items that are covered by these bills?

Mr. ULLMAN. I certainly would not have any objection.

Mr. PURCELL. Could I just say this? I would like to get this for the record. I know what your reaction will be. Do you also feel that Mr. Sisk's comments of a minute ago are correct, that one of our shortcomings in the field of producing foods is the lack of effective effort that has been made to sell for a profit? Hopefully these products where we have seen this tremendous advance in production, where there has been a recognition on the part of the producers of

scientific developments in everything that we do up to the point of selling, and then I think that in the Pacific Northwest, the western part of the country, California and Oregon, that much more has been done with reference to promoting fruits and vegetables than in any other areas. But even there the efforts on the part of the producers to sell their products have been almost feeble. And to me this is an area where the producers and we who claim to have an interest in agriculture must continue to place emphasis, because we are just drowning in our own products, partly because we do not have an effective way to sell them.

My comments are always very rambling, but do you see the point that I am trying to make?

Mr. ULLMAN. I could not agree more with the gentleman from Texas in his remarks because under our free enterprise system this is the way to resolve our agricultural problems in many commodities. This has been, as the gentleman has suggested, one area where we have not made adequate progress. Under the principle of the free enterprise system we should encourage commodity groups to do this selling and promoting that is so essential to our kind of an economy.

Mr. FOLEY. Mrs. May and I represent adjoining areas in the State of Washington. These areas together comprise a great fruit-producing region.

I just want to say that the many communications that I have received, Mr. Chairman, during the past several weeks, and particularly in the past week, have been in support of Mr. Ullman's bill. There has been unanimous support for it—very strong enthusiasm for it, and with the single exception of the word "fresh" that you have mentioned, there has not been, to my knowledge, one critical letter or communication received.

I think the gentleman from Oregon is to be complimented for this, and I hope that the subcommittee will act very promptly on this.

Mr. ULLMAN. Thank you. I did not see the gentleman when I came in or I certainly would not have left him out. He represents one of the great fruit-producing areas of America.

Mr. MATSUNAGA. Are there any further questions? If not, we thank you, Mr. Ullman, for sharing your views with us and we appreciate your being here.

Mr. ULLMAN. I thank you, Mr. Chairman.

Mr. MATSUNAGA. The next witness has introduced two bills which are under consideration this morning, the gentleman from Texas, Mr. de la Garza.

STATEMENT OF HON. ELIGIO DE LA GARZA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. DE LA GARZA. Mr. Chairman, with your permission, if I may, I will give my testimony first on H.R. 445 so that it will follow the gentleman who preceded me, since it deals with the same subject matter.

H.R. 445 would authorize any form of marketing promotion including paid advertising under marketing orders for carrots, citrus fruits, and onions. At the present time there are marketing orders for all of these commodities grown in the Rio Grande Valley, Tex. Producers have undertaken marketing order programs for these crops

in an effort to promote more orderly marketing and increase returns to producers. One of the things that they cannot do which they think would be helpful in marketing these commodities is to engage in trade promotion and advertising programs.

Producers in many States and of many commodities have found a way to improve the marketing of their products through some form of promotion or advertising. Generally speaking, this has been done under a State commission or State marketing order. In the State of Texas we have no mechanism for undertaking these programs. Moreover, I believe that the simplest and most logical method of conducting trade promotion and advertising is under a Federal marketing order. By using this approach, the same industry committee, the same organization, and the same facilities could be used for an integrated marketing program.

Producers and others are very insistent that this is a necessary part of an overall effort to improve the marketing and distribution of farm products. This does not mean that it is proposed to undertake some nationwide scheme of unlimited advertising. Keep in mind that any such program must be approved by not less than two-thirds of the producers voting in a referendum. Moreover, it is the industry concerned that pays the bill. This is not a cost to the Government; no Government funds are involved. The cost of any trade promotion program or advertising program must come from the assessments which are made upon handlers. Therefore, I believe that if agricultural producers are in favor of undertaking such a program, are willing to finance it, and willing to contribute their time and effort in order to make the program work, why should not they be permitted to do so? This simple amendment to the Agricultural Marketing Agreement Act of 1937 would bring this about, and I believe producers should be given an opportunity to expand their markets in this manner.

I would like also to say that I am in agreement with the two previous gentlemen in that if general legislation is possible under this, that I would personally have no objection to it and would work toward that end, having no pride of personal authorship in this bill or this idea, only wanting to include this specific commodity in the legislation.

Mr. Chairman, a number of interested parties in my district have wired their support of this proposal. At this time I would appreciate introducing into the record of this testimony supporting, self-explanatory telegrams from the following:

Foy Hall, chairman, Agricultural Growers Council, McAllen, Tex.

William W. Curl, president, Texas Citrus Mutual, Weslaco, Tex.

Jack H. Drake, executive vice president, Valley Chamber of Commerce, Weslaco, Tex.

Leslie Laffere, chairman, South Texas Onion Committee, headquarters, Mercedes.

Ken Warden, manager, South Texas Onion & Lettuce Committee, Mercedes, Tex.

Edward Bauer, vegetable grower, San Benito-La Feria, Tex.

R. C. Jones, vegetable grower, Mercedes, Tex.

N. G. Kelly, vegetable grower, Mercedes, Tex.

Thank you, Mr. Chairman and members of the committee for your generous attention.

Mr. MATSUNAGA. Thank you. Without objection the telegrams and the communications you have mentioned will be made a part of the record at this point.

(The telegrams referred to follow:)

MERCEDES, TEX., July 19, 1965.

ELIGIO DE LA GARZA,
*Member of Congress,
House Office Building, Washington, D.C.:*

For the past 2 years an advertising program for south Texas onions was supported by some onion shippers and growers and proved to be highly successful in moving a large crop of onions at reasonable prices, not only to all producers and shippers but to the consumers as well. H.R. 445 would permit or checkoff advertising funds through Federal marketing orders. Please support this bill that would amend the Federal marketing order and convey our desires to other members of the House Agricultural Subcommittee.

FOY HALL,
Chairman, Agricultural Growers Council.

MCALLEN, TEX., July 19, 1965.

Hon. KIKI DE LA GARZA,
U.S. Congress, Washington, D.C.:

Impossible appear in person H.R. 445. However, ask that you appear for us and make all possible efforts to pass this bill as will do much to benefit the producers of onions, citrus, and carrots as well as all business in south Texas.

Regards,

FOY G. HALL,
President, Agricultural Growers Council.

WESLACO, TEX., July 17, 1965.

Hon. KIKI DE LA GARZA,
House Office Building, Washington, D.C.

Re your telegram please advise House Agriculture Subcommittee and have placed in record that as a sponsoring organization of H.R. 445 to permit checkoff on citrus, carrots, and onions we heartily support and endorse its passage. This legislation is sorely needed in this area to strengthen prices. Problem must be solved if agriculture economy to remain.

WILLIAM W. CURL,
President, Texas Citrus Mutual.

WESLACO, TEX., July 17, 1965.

Hon. KIKI DE LA GARZA,
House of Representatives, Washington, D.C.

Re your telegram please advise House Agriculture Subcommittee and place in record Lower Rio Grande Valley Chamber of Commerce endorses and supports H.R. 445 to permit checkoffs on citrus, carrots, and onions. In our opinion legislation is urgently needed by industry to strengthen prices paid to producers for these important commodities, at same time minimize plowup of these crops due to lack of consumer demand. These aforementioned problems must be solved if agriculture economy to remain.

JACK H. DRAKE,
Executive Vice President, Rio Grande Valley Chamber of Commerce.

MERCEDES, TEX., July 19, 1965.

KIKI DE LA GARZA,
*Member of Congress,
House Office Building, Washington, D.C.:*

On behalf of 800 onion growers and shippers here in south Texas we solicit your support on H.R. 445. Advertising is a definite necessity today to alert consumers of our fresh onion crop every early spring. Please convey our wishes to other

members of the House Agricultural Subcommittee that we appreciate their support in the passage of this very important amendment to the Agricultural Marketing Act.

LESLIE LAFFERE,
Chairman, South Texas Onion Committee.

MERCEDES, TEX., July 19, 1965.

KIKA DE LA GARZA,
*House of Representatives,
House Office Building, Washington, D.C.:*

Marketing orders enables commodity groups to meet and solve their own problems on an equitable basis. Federal marketing orders are permissive legislation financed by producers without Government subsidies. Further permissive legislation is necessary. H.R. 445 would permit checkoff for advertising.

All we ask is the privilege to promote our own products here in south Texas. Please support and vote in favor of this necessary legislation.

KEN WARDEN,
Manager, South Texas Onion & Lettuce Committee.

MCALLEN, TEX., July 19, 1965.

Congressman KIKI DE LA GARZA,
Cannon Building, Washington, D.C.

DEAR KIKI: It is my understanding that a hearing will be held on H.R. 445 Tuesday, July 20, 1965. Due to the growing interest in south Texas in having some sort of advertising program for the commodities we grow, I hope the subcommittee will see fit to recommend passage of this bill.

As you know, many commodity groups are running promotion and advertising programs under various State marketing orders or commissions authorized by State legislation. We have no such legislation in Texas.

Passage of this bill will give us a means of financing the kind of promotion we must do if we are to survive in the highly competitive field of vegetable production.

Good luck,

EDWARD BAUER,
Vegetable Grower, San Benito-La Feria, Tex.

MCALLEN, TEX., July 19, 1965.

Congressman KIKI DE LA GARZA,
Cannon Building, Washington, D.C.:

Request the subcommittee give favorable recommendation to H.R. 445 amending the Agricultural Marketing Agreement Act of 1937 to permit Federal marketing orders to provide for any form of promotion including paid advertising.

Volunteer efforts along these lines are not satisfactory since we do not have State legislation enabling us to finance such a program.

Some commodity groups are now conducting promotion programs under State marketing orders, commissions, or other organizations established by State legislation. We have no such enabling legislation in Texas and were unable to get authority through the session just adjourned.

Passage of this bill would give carrot, onion, and citrus producers in south Texas the means with which to finance such a program.

R. C. JONES,
Vegetable Grower, Mercedes, Tex.

MCALLEN, TEX., July 19, 1965.

Congressman KIKI DE LA GARZA,
Cannon Building, Washington, D.C.:

Urge favorable recommendation for H.R. 445 amending Marketing Agreement Act of 1937 to permit marketing orders applicable to carrots, onions, and citrus to provide for any form of marketing promotion including paid advertising.

As you know, these three commodities are important to the economy of all south Texas and passage of H.R. 445 will give us means to finance advertising programs.

Commodity groups in some States are now conducting programs through State enabling legislation but Texas has no such legislation.

Passage of this bill will give our marketing order committees another tool to use in trying to meet the objectives of the orders, to increase the return to the grower. Many Texas fruit and vegetable producers testified along these lines at the recent food commission hearing in McAllen.

Will you please pass this telegram on to the subcommittee?

N. G. KELLY,
Vegetable Grower, Mercedes, Tex.

Mr. MATSUNAGA. Are there any questions of the witness?

Mr. Hagen?

Mr. HAGEN of California. No.

Mr. MATSUNAGA. Mr. Purcell?

Mr. PURCELL. No questions.

Mr. MATSUNAGA. Mrs. May?

Mrs. MAY. No questions.

Mr. MATSUNAGA. Mr. Foley?

Mr. FOLEY. No questions.

Mr. MATSUNAGA. Mr. Greigg?

Mr. GREIGG. No questions, Mr. Chairman.

Mr. MATSUNAGA. Mr. Redlin?

Mr. REDLIN. No questions.

Mr. MATSUNAGA. I want to commend you for your insistence, because had it not been for your insistence and requesting that an early hearing be held I do not think that it would have been held and the hearing would not have been held today.

Mr. DE LA GARZA. I appreciate your courtesy, Mr. Chairman. My persistence almost got me into trouble when I did not have anyone to appear or anyone to send me any prepared statements except the telegrams which I have inserted into the record. I give due credit to you for expediting the hearings.

Mr. MATSUNAGA. Thank you again. You have another statement on another bill?

Mr. DE LA GARZA. Mr. Chairman, H.R. 299 is an amendment to the act amending section 602(3) and this deals with container and pack regulations under marketing orders. Basically all this does is that the packing and container regulations apply under the marketing order in situations where the price of the commodity is below parity and in the instances where the price goes above parity then the packing container and pack regulation does not operate and it would amend that section by letting them continue the packing container regulations in situations where the price is above parity. There is an amendment recommended by the Department which I am sure you will hear from the Department witnesses later on, Mr. Chairman.

And I may go back to H.R. 445, there is also recommended amendment by the Department. to both of which I have no objection.

Thank you.

Mr. MATSUNAGA. Are there any questions?

Mr. Hagen?

Mr. HAGEN of California. No questions.

Mr. MATSUNAGA. Mr. Foley?

Mr. FOLEY. No questions.

Mr. MATSUNAGA. Mr. Greigg?

Mr. GREIGG. No questions.

Mr. MATSUNAGA. Mrs. May.

Mrs. MAY. I am not quite sure that I have this clear. Under the present marketing orders the rules and regulations concerning containers and packing apply only when the market price is below parity, but the regulations and rules do not apply to them when the price is above parity?

Mr. DE LA GARZA. That is correct.

Mrs. MAY. And this bill would make them apply whether the commodity was under the parity price or above the parity price?

Mr. DE LA GARZA. That is right.

Mrs. MAY. Would you give us in your own words the reason for this—why the request—what would this do under the marketing orders?

Mr. DE LA GARZA. The container and pack regulations are aimed at securing adequate and nondeceptive containers. There is no logical reason why that should be done only on commodities below parity.

Mrs. MAY. Why was this exception made in the first place?

Mr. DE LA GARZA. I do not know why the original legislation was drafted that way. I have no information on that.

Mr. MATSUNAGA. I suppose that the representative from the Department of Agriculture will be better able to answer that.

Mr. DE LA GARZA. Except that there is that exception. And it only seems reasonable that they should continue regardless of whether the price goes above parity or does not. It is very seldom that it does.

Mr. MATSUNAGA. Are there any further questions?

Mr. Hagen?

Mr. HAGEN of California. I want to ask one question. This parity formula does not work very well with regard to specialty crops. At one time the Farm Bureau proposed to modify this parity formula. Have you had any experience with that? It is not very realistic to apply it to certain kinds of food crops.

Mr. DE LA GARZA. That is generally true, Mr. Hagen, but I am not an expert on this so that I defer that question to someone more qualified to answer it.

Mr. HAGEN of California. I think that we should explore the validity of the parity formula as it applies to section 32 purchases.

Mr. DE LA GARZA. I would have no objection to looking into that. So far as I am concerned, the only question that has been brought to me came up as to the equity or the fairness of the parity system, but I agree with you that perhaps some study should be made into that subject.

Mr. HAGEN of California. Thank you.

Mr. MATSUNAGA. Are there any other questions?

Mr. Foley?

Mr. FOLEY. I just want to say that I also received some very strong support from some of the people in my district about this legislation, particularly from the cherry growers.

Mr. DE LA GARZA. I am very happy to hear that. This is a question of interest to all of the producers, that is, these bills are and

personally we do not have the proper liaison because of lack of time, finances, et cetera, to have everyone interested to join in sponsoring this type of legislation. Hence, each one goes and does what he thinks is best for his district. I am sure that all of these bills pertaining to agriculture and to the marketing orders are in general interest throughout the areas and these bills that I introduced affect mainly commodities in my area but anything that can be done to help agriculture as a whole I would wholeheartedly support.

Mr. MATSUNAGA. Thank you again.

Mr. DE LA GARZA. Thank you.

Mr. MATSUNAGA. A statement of Congressman Fascell will be included at this time.

(The statement referred to follows:)

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF FLORIDA

Mr. Chairman, the bill presently under discussion—H. R. 9418—is one of several which have received this committee's attention this year. H. R. 445, introduced by Mr. de la Garza, would authorize marketing promotion, including paid advertising, under marketing orders for carrots, citrus fruits, and onions. Mr. Ullman's bill, H. R. 7599, would provide the same authority for pears, and Mr. Sisk's H. R. 8020 would make the same authorization for plums or nectarines.

H. R. 9418 is as simple as those I have just mentioned. It would authorize any form of marketing promotion, including paid advertising, for celery, sweet corn, limes, or avocados.

It would do this by amending section 8c(6)(I) of the Agricultural Marketing Act of 1937, which already provides such authority for cherries. As you know, authority for advertising of cherries under marketing orders was provided in title IV of the Agricultural Act of 1962.

Marketing order programs, both Federal and State, have become an important tool in the marketing of particular crops and commodities. They provide for volume and quality controls, and establish orderly marketing conditions for commodities in interstate commerce.

With our increasingly urbanized population, more and more people are being forced to rely on well-ordered marketing facilities for those foods which were obtainable—not so long ago—at the roadside fruit and vegetable stand. Quality control was a producer-to-consumer affair, and supply was a highly seasonal, and often uncertain one.

Now with rapid transportation and specialized growers, the marketing order, with its emphasis on quality control and orderly marketing, has become an integral part of the marketing institutions for many fruits, vegetables, and nuts.

The real intent of marketing order legislation, however, was—and is—to improve returns to farmers. As a marketing tool, producers and handlers of a large number of commodities have found them extremely valuable. The value of orders is demonstrated by the increased acceptance of marketing orders throughout the country.

The bill we are considering today would allow producers of celery, sweet corn, limes, or avocados to avail themselves, through marketing orders, of one of the most popular and well-established marketing tools in our economy—organized promotion and advertising.

It would allow producers, using their own money, to engage in the widespread advertising of their products. Proof of the desirability of such promotion can be seen in those cases where a commodity is grown within a single State in quantities large enough to dominate the national market. Examples of this are the State marketing order advertising and promotion programs for Florida citrus and California peaches.

But many commodities cannot be limited to a single State area. True, Florida dominates the production of limes, but avocado production is shared between Florida and California. Celery and sweet corn production is even more divided among several States.

The trend has definitely been in the direction of more and more commodity advertising and promotion in agriculture. There is history enough to justify the belief that fruit and vegetable producers can improve their position in the marketplace by advertising.

Producers of those commodities who are able to agree on marketing orders ought to be allowed to avail themselves of the benefits of advertising, which has served American businessmen so well.

Mr. MATSUNAGA. Our next witness is from the U.S. Department of Agriculture, Mr. Floyd F. Hedlund, Director of the Fruit and Vegetable Division, Consumer and Marketing Service.

We will be glad to hear from you now.

STATEMENT OF FLOYD F. HEDLUND, DIRECTOR, FRUIT AND VEGETABLE DIVISION, CONSUMER AND MARKETING SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. HEDLUND. Mr. Chairman and members of the subcommittee, my name is Floyd F. Hedlund, and I am Director of the Fruit and Vegetable Division of the Consumer and Marketing Service of the U.S. Department of Agriculture.

Inasmuch as three of these bills are very much the same, I would like first to discuss those bills and a little later turn to the discussion of H.R. 299.

H.R. 445 would authorize any form of marketing promotion including paid advertising under marketing orders for carrots, citrus fruits, and onions. H.R. 7599 would provide the same authority for pears and H.R. 8020 would make the same authorization for plums or nectarines. We interpret plums to include what is known as purple plums or Italian prunes.

The Department recommends that these bills be passed. Reports by the Department on H.R. 445 and H.R. 8020 have been filed with this committee.

The Agricultural Marketing Agreement Act of 1937 authorizes the issuance of marketing orders for the commodities outlined in section 608c(2) thereof. The purpose of a marketing order is to assist agricultural producers in the orderly marketing of their crops. The statute authorizes varying types of regulations in order to improve returns to producers.

Before any marketing order can be issued, public hearings are required. No order may be issued unless two-thirds of the producers by number or by volume of production voting in a referendum indicate approval.

Mr. HAGEN of California. May I interrupt you there. You state that "no order may be issued unless two-thirds of the producers by number or by volume of production voting in a referendum indicate approval."

Is it two-thirds of the producers representing two-thirds of the volume or some lesser percentage of the volume?

Mr. HEDLUND. No, sir; it is two-thirds of the producers either by number or by volume. The 50-percent rule, I think, is in the State of California statute.

There are one or more marketing orders in effect at the present time regulating each of the commodities designated in the bills under consideration.

The advertising of commodities under marketing order programs has not been authorized for any commodity except cherries. Fruit and vegetable producers have continued to expand the use of advertising and trade promotion in the marketing of their crops. There

is scarcely a State in which the producers of some commodity have not set up, under State legislation, a program to promote their commodity in the marketplace. Some States have established commissions for this purpose while others have used State marketing orders. However, the principal feature of each is a compulsory assessment on producers, handlers, or both to provide funds to finance the programs.

The trend has definitely been in the direction of more and more commodity advertising and promotion in agriculture. We anticipate further efforts will be made by fruit and vegetable industries to obtain the means of financing the advertising and promotion of these commodities so as to maintain or advance their position in the marketplace. The Agricultural Marketing Agreement Act of 1937 could provide the facility for this purpose. We believe any fruit and vegetable commodity group which actively supports the development of a promotion program by this means should be given the opportunity to do so.

We also recommend that section 602 of the Agricultural Marketing Agreement Act of 1937 be amended to specifically authorize the operation of research and development activities under marketing orders including promotion and advertising in above parity situations. Section 602 sets forth the policy of Congress to establish and maintain such orderly marketing conditions for agricultural commodities as will return parity prices to farmers. The statute now authorizes certain types of regulation when prices are above parity.

We recommend that the authority contained in this section to regulate in above parity situations be clarified to insure that it applies to the initiation or continuation of marketing research and development projects, including any form of marketing promotion and paid advertising. Marketing research and development activities including promotion and advertising must continue on an uninterrupted basis if the desired aims are to be accomplished.

Consequently, we know of no compelling reason for discontinuing such projects when prices are above parity. These projects are aimed at making improvements in marketing and distribution which we believe are worthwhile at any price level. Our recommendation for this added authority could be accomplished by inserting in section 602(3) of the act, "such marketing research and development projects provided in section 608c(6)(I)", immediately after "establish and maintain." If so amended, section 602(3) of the act would read in part as follows:

* * * to establish and maintain such marketing research and development projects provided in section 608c(6)(I), such minimum standards of quality and maturity and such grading and inspection requirements for agricultural commodities enumerated in section 608c(2) of this title, other than milk and its products, in interstate commerce as will effectuate such orderly marketing of such agricultural commodities as will be in the public interest.

It is estimated that the enactment of the proposed legislation would result in additional administrative costs of \$25,000 per year for each additional marketing order that is issued. Any additional costs that may result from the proposed legislation with respect to existing marketing orders would be absorbed within existing appropriations.

Thank you, Mr. Chairman. That completes my statement on the bills concerning trade promotion and advertising.

Mr. MATSUNAGA. Thank you, Mr. Hedlund.

Are there any questions of Mr. Hedlund?

Mr. HAGEN of California. I want to ask you a couple of questions. All of these marketing orders are of regional impact. There is no national order on any of these commodities, is there?

Mr. HEDLUND. You are correct, Mr. Hagen, except in the sense that the marketing order on lemons, for example, applies to lemons grown in California and Arizona only, but it just so happens that that covers most of the lemons produced in the United States, but there are no orders in effect as of this time which cover the 50 States, so to speak.

Mr. HAGEN of California. Is there any authority under the marketing agreements to make these orders national, rather than regional?

Mr. HEDLUND. Well, that question is subject to a lot of difference of opinion, Mr. Congressman. Let me say that the act requires that any order be limited to the smallest regional production area practicable. Now, I suppose that there might be situations in which the Secretary of Agriculture might consider that 48 States or 50 States were the smallest regional area practicable. In other cases he might not. But that is the only reference in the statute to the areas to be covered.

Mr. HAGEN of California. This language that you suggest is not just with respect to Mr. de la Garza's bill on containers and packs, but does not it also deal with research projects?

Mr. HEDLUND. No, sir; it does not.

Mr. HAGEN of California. I see. One more question. Have you had any complaints from the various commodity groups about the application of this parity formula in the case of perishable fruits and vegetables?

Mr. HEDLUND. Yes; we have had some. Generally speaking—and I will cover this more in detail in my statement on H.R. 299—the regulations are permitted up to the parity level. Some regulations are permitted above parity. Nobody complains unless you get up to parity and have to discontinue the regulations. We have had some complaints in that particular area. There are those who think that the parity formula is not good for all specialty commodities. On the other hand, it is still the guideline that is set forth in the statute.

Mr. HAGEN of California. As I understand it, it is not realistic in the case of some of these nonbasic commodities where costs have increased disproportionately or labor cost is inordinate in the cost of the product. I think that maybe, for example, the parity level of prices used to indicate section 32 purchases, or some other aspect of the U.S. Department of Agriculture program, that the application there is not realistic under the present formula.

Mr. HEDLUND. Well, that may be very well, too, Mr. Congressman. These commodities have differing label requirements, and the operation of the parity formula is not always the same in all of the commodities. So we have had some complaint or comment from people who have been prevented from doing what they desired by reason of the parity formula.

Mr. HAGEN of California. Thank you.

Mr. MATSUNAGA. Are there any questions?

Mrs. May.

Mrs. MAY. Mr. Hedlund, again for clarification, when the act of 1937 was originally passed authorizing the marketing orders, why was this particular formula applied only to the commodity below

parity? Why was that differentiation made in the first place that when the commodity was above parity you would not have application? I understand what the Department of Agriculture is suggesting now in the amendment is an orderly continuance of regulations whether or not the commodity is at or above parity. Why originally was that differentiation made?

Mr. HEDLUND. Mrs. May, that is an interesting question but I will have to reply by what I have read in the records. I was not on the scene at the time, but, remember, that was in 1933. Parity looked very good to most people. As a matter of fact, the early agricultural legislation of that period had for its purpose trying to get parity prices for the farmers. And parity then looked like the sky and then some. So that there was not really an issue at the time. The idea was to try to reach parity. Well, now, that was 30-some years ago. And the price relationships have changed. That is the reason we think that there must be some little give and take in this sort of thing to allow people to operate in this present economy, using the same statutes that were enacted some 30 years ago.

Mrs. MAY. Would it be fair to say that the reason was that when this commodity in 1 year reached parity that there was no need for further promotion and research and other activities—is that it?

Mr. HEDLUND. Yes. I think that was the reason that they figured that if the farmers got parity that was perhaps enough and that all of these other things were not needed. Of course, at that time the statute did not contain any provision for research and development, so that the only thing that you had in that early legislation was regulation by grade, size, and quality as well as quantity. Perhaps, Mr. Chairman, if I proceeded with my other statement on H.R. 299 it might bring out some of the points that are here being discussed.

Mr. MATSUNAGA. Mrs. May has one other question.

Mrs. MAY. One other question. In your closing paragraph you said:

It is estimated that the enactment of the proposed legislation would result in additional administrative costs of \$25,000 per year for each additional marketing order that is issued.

Is that every year or is that an average administrative cost for your Department? What would be the breakdown of those costs, very roughly?

Mr. HEDLUND. That is the cost to the U.S. Department of Agriculture for the operation of a marketing order each year. We take our total costs and divide them by the number of orders, and it costs us approximately \$25,000. That is to take care of all of the administrative costs in the Department, as well as those costs in the field, manning and operating our field offices in the particular areas. It does not include any cost for the industry. As you well know, the costs of operating a marketing agreement order program must be borne by the industry. There is an assessment upon the handlers, and they have to pay all of the costs, other than for the Department personnel and overhead costs of supervision of these particular programs.

Mrs. MAY. Thank you.

Mr. MATSUNAGA. Pursuing what Mrs. May has questioned you about, is this per order, the \$25,000 cost?

Mr. HEDLUND. This \$25,000 cost is per order; yes, sir.

Mr. MATSUNAGA. And what is the anticipated number of orders which would be increased over and above the present operation if this bill and other associated bills were to be passed?

Mr. HEDLUND. Mr. Chairman, that is a kind of question that you have to speculate on. We now have marketing orders on all of the commodities contained in these three bills. We think that we could undertake research and development, promotion, advertising programs for those orders without any additional cost but now when you ask me what new orders are going to come along, I do not know. I would not expect that it would be very many, very frankly. There might be two or three. We have a total, I think, of 44 programs in effect at the present time. Twenty years ago we had half that many, so the number does not fluctuate. I would be surprised if we increase as much as 10 orders as a result of this particular legislation if it is enacted.

Mr. MATSUNAGA. That would be a total cost of about \$250,000 per annum?

Mr. HEDLUND. Per annum; yes, sir.

Mr. MATSUNAGA. This is speculation, of course?

Mr. HEDLUND. Well, that is speculating on the number of orders. We think that \$25,000 is about an actual cost of what it has been running over the past several years.

Mr. MATSUNAGA. Before I call on others for questions, I want to assure you this is entirely unrehearsed. At this, my first meeting of the subcommittee as its chairman when I am on my maiden voyage as chairman of this subcommittee, I see that we have an audience that has come here all the way from Hawaii, 5,000 miles away. Permit me to welcome my constituents from Hawaii. I am sure that they will go back and say that "Sparky" is doing a great job. [Laughter and applause.]

Mr. Purcell, do you have any questions?

Mr. PURCELL. I have no questions at this time.

Mr. MATSUNAGA. Mr. Foley.

Mr. FOLEY. No questions.

Mr. MATSUNAGA. Mr. Redlin?

Mr. REDLIN. No questions.

Mr. MATSUNAGA. Will you then proceed, Mr. Hedlund, with your statement on H.R. 299.

Mr. HEDLUND. Mr. Chairman and members of the subcommittee, H.R. 299 proposes to amend section 602(3) of the Agricultural Marketing Agreement Act of 1937, as amended. The proposed amendment would specifically authorize container and pack regulations under a marketing order when prices to producers exceed parity. The Department recommends that H.R. 299 be passed. A report by the Department on this bill was filed with this committee on April 22, 1965.

Under section 602 of the Agricultural Marketing Agreement Act of 1937, it is the policy of the Congress that the Secretary of Agriculture, through the use of marketing order programs, establish and maintain such orderly marketing conditions for agricultural commodities in interstate commerce as will return parity prices to farmers. To protect the public interest, it does not permit any action which

has for its purpose the maintenance of prices to farmers above the parity level.

However, this section has been amended several times in the past two decades, and certain types of regulations can now be instituted or maintained when prices are above parity. In 1947 the act was amended by adding section 602(3) to permit the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as are necessary to effectuate orderly marketing in the public interest. Amendments made in 1957 included authority to establish and maintain such orderly marketing conditions as will provide in the interests of producers and consumers an orderly flow of the supply of the commodity to market through its normal marketing season to avoid unreasonable fluctuations in supplies and prices.

In 1961 the act was amended to authorize the continuance of any regulations for the remainder of any marketing season to avoid disruption of the orderly marketing of any commodity in the public interest, if such regulations had been initiated during the season on the basis of the need to effectuate the policy of the act.

The bill under consideration here proposes to amend section 602(3) to authorize continuance of container and pack regulations in over-parity situations. Authority for container and pack regulations under marketing orders was added to the act in 1954 in section 608c(6)(H). This authority has been well received by many industries operating under marketing orders, and it is now rather widely used in fruit and vegetable programs.

Container and pack regulations can be employed under marketing orders to take advantage of desirable trends and marketing practices as well as to standardize containers and packs to meet the demands of buyers and consumers. However, fruit and vegetable industries have in some instances been forced to discontinue, or have been prevented from initiating container and pack regulations in above parity situations. Industry spokesmen insist that there is no logical reason why pack and container regulations should not be continued when prices are above parity. We believe that much of the value of these regulations is lost if they are operated on an intermittent basis. The proposed bill would make it clear that container and pack regulations may be continued or initiated in all above parity situations.

In addition to the amendment to section 602(3) proposed by H.R. 299, we recommend that the authority contained in this section to regulate in above parity situations be clarified to insure that it applies to the initiation or continuation of marketing research and development projects as authorized in section 608c(6)(I). The authority for marketing research and development projects was added to the act in 1954. Marketing research and development activities must continue on an uninterrupted basis if the desired aims are to be accomplished. Consequently, we know of no logical reason for discontinuing marketing research and development projects when prices are above parity. Such projects are aimed at making improvements in marketing, and this objective is a worthwhile one at any price level. Our recommendation for this added authority could be accomplished by inserting "such marketing research and development projects provided in section 8c(6)(I)", after section 8c(6)(H) in line 8 of H.R. 299. The bill would then read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by inserting in section 2(3) thereof "such container and pack requirements provided in section 8c(6)(H), such marketing research and development projects provided in section 8c(6)(I)" immediately after "establish and maintain."

Passage of the proposed legislation would not involve any additional costs if applied to existing marketing orders. New marketing orders for fruit and vegetable items would cost approximately \$25,000 per year for each order.

Mr. HAGEN of California (presiding). Thank you.

Mr. HEDLUND. Mr. Chairman, may I say that the last proposed amendment made here is the same as made in the other bills.

Mr. HAGEN of California. This is what I asked you earlier.

Mr. HEDLUND. Yes, sir. Of course we reported on these bills separately and if it is included in one, if one bill is passed, it is unnecessary in the other places.

Mr. HAGEN of California. If it is included in one bill which is passed it is unnecessary to include it in the others, is that true?

Mr. HEDLUND. That is quite true.

Mr. MATSUNAGA (presiding). Thank you. Are there any other questions?

You have no objection to including all of the other commodities covered by the other bills proposed that we have here, one on Tokay grapes and another one tangerines, and on plums, another one on pears and then we have celery, which would come under another another classification, probably, limes and avocados?

Mr. HEDLUND. No, sir; we have no objection to including all of those commodities. As a matter of fact, any commodity in the fruit and vegetable category.

Mr. HAGEN of California. Is it necessary to enumerate all of these commodities?

Mr. HEDLUND. No, sir; it is not necessary.

Mr. HAGEN of California. Several years ago we added several specific California commodities.

The question is, Should we continue restricting the application only to named commodities?

Mr. HEDLUND. We are in the field of speculation again, Mr. Chairman. If you are going to include everything you may run into disagreements that you do not now anticipate.

Mr. HAGEN of California. In order to avoid controversy we should continue to name each of the commodities.

Mr. HEDLUND. I think that your point is very good.

Mrs. MAY. As you know, we have had testimony on pears, plums, and other fruits and vegetables. So far as your Department is concerned if the commodities that are listed in the various bills are so listed, would there be any opposition to the inclusion of limes or celery, et cetera?

Mr. HEDLUND. No. I know of no opposition to the bills that have been introduced.

Mr. MATSUNAGA. Are there any further questions?

Mr. Purcell?

Mr. PURCELL. Might I ask just one question to really clear this up in my own mind?

Say that pears are grown in some areas of California and some grown up in Washington and Oregon—would the operation of this kind require that each of these areas vote on this matter or are these three States a geographic area practicable as such?

Mr. HEDLUND. Mr. Congressman, let me put it this way: This provision would apply to an individual order and it would take a vote of the producers covered by that individual order to make it effective. Now, on pears, we have an order covering pears grown in the State of California. We also have an order covering winter pears grown in the States of California, Oregon, and Washington. Each of those orders would have to be amended if this legislation were passed to take advantage of it and the producers, each one of whom are different producers, would have to vote to go into this kind of a program.

Mr. PURCELL. Is there one order covering—I believe you said winter pears—in California, Washington, and Oregon?

Mr. HEDLUND. Yes, sir. One order covers the winter pears grown in those three States.

Mr. PURCELL. Then when that was put into effect the growers of winter pears in those areas would all vote in the same election?

Mr. HEDLUND. Absolutely.

Mr. PURCELL. Is there any danger in this situation? This may be outlandish to mention pears grown in north Texas, let us say; we would have to compete with some of these good people in the Northwest and in the West. We certainly would not be prohibited from growing pears, but would we be automatically under this or would we have to have another order—how would you work it?

Mr. HEDLUND. If you are growing pears in Texas you are not affected by the order covering California, Oregon, and Washington.

Mr. PURCELL. If we wanted a checkoff system for these purposes, then it would be a separate order?

Mr. HEDLUND. Yes, sir.

Mr. PURCELL. It would be created for the region. You would have to have a separate order, subject to a referendum of those producers in Texas in order to have such a program. The custom is well established, then, as to what areas geographically make up the logical area in an order?

Mr. HEDLUND. That is it. As I indicated earlier, every marketing order has got to be preceded by a public hearing. At that public hearing the sponsors of it must come in and give all of the evidence as to why it is necessary, why they want it, and how it is going to operate. And one of the important features of each of those public hearings is to describe the area and why this particular area is the best suited for the program. And, of course, the Secretary has to make the finding that this is the smallest regional production area practicable.

Mr. PURCELL. I do not want to belabor the point. I know something about the growing of onions. They are grown in widely separated areas. Say that there are three onion-producing areas in one of our large States like Texas or California. Would they be under one order or under three separate orders?

Mr. HEDLUND. Well, Mr. Congressman, that kind of depends on what kind of a case was made for it. We have two onion orders at the present time, one covering quite an area in Texas and the other order completely separate covers onions grown in Idaho and Oregon. They are completely separate programs.

Mr. PURCELL. Does the Texas order have the Rio Grande and the High Plains areas in it?

Mr. HEDLUND. I do not recall the areas, but it includes the Rio Grande Valley of Texas. And the other one covers onions grown in Idaho and eastern Oregon.

To give you another example, we have an order on cranberries. The cranberry order covers all of the cranberries grown in the United States, including those grown in Massachusetts, Wisconsin, and the State of Washington. They are widely separated areas but it is not national in scope. It merely covers those States that produce cranberries.

Mr. PURCELL. So that in your order even though it encompasses the East and the Midwest and the West and the Northwest, in it you describe the specific areas—you do not use terms that would make it appear to be a national order, in doing whatever there is to do to develop your requirement for the hearings and then for the voting on whether or not there would be an order?

Mr. HEDLUND. Oh, no, sir. Those areas are defined in very specific terms. They may be States, they may be counties, or they may be delineated by using geological survey terms to describe the areas but they are specific and fixed and definitely named in each order.

Mr. PURCELL. Let us take onions in the Rio Grande Valley, and let us say that counties in a geographical area adjacent thereto, large in scope, started to grow onions, would these people who started growing onions adjacent to the existing order automatically be in the order or would you have to have another election?

Mr. HEDLUND. No, sir, they are automatically out. There is nothing included in the order except the area that is specified.

Mr. PURCELL. And when they said that they wanted in, would you have an election, then, in the entire area or just in the new area that has not been in before?

Mr. HEDLUND. If you wanted to enlarge the area you would have to amend the entire order and that would take a vote of the entire new enlarged area.

Mr. PURCELL. Just as if there had not been an order?

Mr. HEDLUND. Exactly.

Mr. PURCELL. Thank you.

Mr. MATSUNAGA. Mr. Foley.

Mr. FOLEY. Let us take, for example, an order such as the winter pear order. Is it correct that the passage of this legislation would lead to no additional administrative costs exceeding those of the present appropriation?

Mr. HEDLUND. Not for an order that is presently in existence—you are quite correct.

Mr. FOLEY. Thank you.

Mr. MATSUNAGA. Mr. Redlin?

Mr. REDLIN. No questions.

Mr. MATSUNAGA. Relative to onions, what would an order entail specifically?

Mr. HEDLUND. In marketing orders?

Mr. MATSUNAGA. Yes.

Mr. HEDLUND. A marketing order for onions, for example, in the State of Texas authorizes the issuance of regulations governing the

grade of the onions that may be shipped to market, that is, the quality or the size or the container in which they are shipped, and if this has to go into research and development projects, including promotion and paid advertising, that is included, too.

Mr. MATSUNAGA. I am new in this field and I certainly appreciate all the education I am getting this morning.

If there are no further questions, I wish to thank you, Mr. Hedlund for taking time out from your busy day and being with us this morning I shall call upon you presently for a further education in this area.

Mr. HEDLUND. Thank you, Mr. Chairman. We will be as helpful as we know how to be.

Mr. MATSUNAGA. For the record, if there are any statements by anyone who desires to make one, it may be submitted within 10 days of this hearing.

And for the record, too, I would like it to show that Mr. Hagen of California has introduced a similar bill to H.R. 8020, which was introduced by Mr. Sisk—Mr. Hagen's bill being H.R. 8921.

Our next witness is Mr. Richard Glaspey.

Mrs. MAY. I would like to ask permission to have introduced a statement by Mr. Falk of the Northwest Horticultural Council. He has sent copies of his statement here—I have a number of them. I am sure that it will be all right to introduce it into the record, following Mr. Glaspey's statement.

Mr. MATSUNAGA. Without objection the request is granted and it will be made a part of the record at the conclusion of Mr. Glaspey's statement.

Mr. HAGEN of California. If I may, Mr. Chairman, I want to ask one further question of Mr. Hedlund.

These bills in total, do they add any new commodities to the marketing order program or do they only add to the possible content of orders governing already accepted commodities?

Mr. HEDLUND. No, sir; this would bring in some commodities on which there are not presently any marketing orders.

Mr. HAGEN of California. No order whatsoever?

Mr. HEDLUND. That is true. These bills include some commodities on which there is no marketing order in existence at this time. This does not bring in any new commodities to be eligible for marketing orders.

Mr. HAGEN of California. It does not?

Mr. HEDLUND. No, sir; it does not. It merely brings in some commodities on which there are no orders at the present time. I thought that was the point of your question.

Mr. HAGEN of California. With respect to section 8-E—there again that has a specific enumeration—these bills would not affect that section at all?

Mr. HEDLUND. That is quite true. Those commodities in section 8-E are named in that section.

Mr. HAGEN of California. These bills add nothing to section 8-E coverage.

Mr. HEDLUND. Yes; that is correct.

Mr. MATSUNAGA. One further question of Mr. Hedlund.

In relation to the cost you estimated that it would be \$25,000 per order per commodity, is that right?

Mr. HEDLUND. Let us say per order. If an order covered two commodities, this refers to the order in total.

Mr. MATSUNAGA. So that an order could cover more than one commodity?

Mr. HEDLUND. Yes sir, it could.

Mr. MATSUNAGA. Thank you.

We will now hear from Mr. Glaspey. Will you state your name and your position, your capacity in which you appear before this subcommittee, for the record?

**STATEMENT OF RICHARD GLASPEY, ASSISTANT MANAGER,
OREGON-WASHINGTON-CALIFORNIA PEAR BUREAU, WINTER
PEAR CONTROL COMMITTEE, ASSISTANT SECRETARY; ASSIST-
ANT SECRETARY, PACIFIC COMMODITY GROWERS, INC.**

Mr. GLASPEY. Mr. Chairman and members of the subcommittee, my introduction will take longer than my statement. I am Richard Glaspey, assistant manager of the Oregon-Washington-California Pear Bureau, Winter Pear Control Committee, assistant secretary of that organization, assistant secretary of Pacific Commodity Growers, Inc., all of whose offices are located at 502 Woodlock Building, Portland, Oreg.

For clarification, the Oregon-Washington-California Pear Bureau handles the promotion of fresh winter Nelis Anjous, Bosc and Comice and is supported on a voluntary basis.

The Pacific Commodity Growers is an organization set up of growers of Bartlett pears grown in Oregon and Washington and is financed by the Washington State Fruit Commission and on a voluntary basis by all of the shippers of fresh Bartlett pears in the State of Oregon. It is for promotion purposes.

The Winter Pear Control Committee administers the Anjou, Bosc, and Winter Nelis and Easter varieties of pears which are all winter pear varieties.

We also as a Pear Bureau contract for the State of California the marketing order for fresh Bartlett promotion and handle the promotion of fresh Bartlett pears in the State of California. And in this work my contact is with all of the growers of fresh Bartlett pears and fresh winter Nelis pears from these three States who are aware of these various bills, and I have found no opposition. I think everybody is agreed that the word "fresh" should be included, so that there will not be any confusion with processed pears and we feel that we could more efficiently handle the promotion of these items if this is so decided under our marketing order, crossing the three State lines, than we can at the present time.

Thank you.

Mr. MATSUNAGA. Are there any questions?

Mrs. MAY. Mr. Glaspey has represented the viewpoint of his organizations very well.

Mr. PURCELL. Well, now, what we are talking about doing, would that accomplish just what you asked?

Mr. GLASPEY. Yes.

Mr. PURCELL. Just to get a national authority to handle it?

Mr. GLASPEY. Well, it would provide for promotion under present marketing orders that are in existence, instead of establishing a separate agency for promotion.

Mr. PURCELL. Yes. Thank you. You have promotion on a purely voluntary basis now?

Mr. GLASPEY. It is supported by about 90 percent of the industry.

Mr. PURCELL. I had difficulty keeping up with you. I caught it finally.

Mr. GLASPEY. Yes.

Mr. MATSUNAGA. Mr. Foley.

Mr. FOLEY. Let me say that this has been one of the most precise and short statements we have received before the subcommittee in a long time. I wish to compliment you on it. It is entirely in accord with the feelings in my own district as elicited from correspondence received from the people there.

Unfortunately, Mr. Falk could not appear before the members of the subcommittee. I would just like to say that Mr. Falk is one of the most expert and knowledgeable people in the fruit business in the State of Washington. And I recommend his statement to the attention of the committee.

Mr. GLASPEY. I would like to ask to have it introduced into the record, which I feel that you stated before it would be.

Mr. MATSUNAGA. Without objection, the statement will be included at this point in the record as previously noted.

(The prepared statement of Ernest Falk, Northwest Horticultural Council, follows:)

STATEMENT OF ERNEST FALK, NORTHWEST HORTICULTURAL COUNCIL

I am the manager of the Northwest Horticultural Council with offices at 1002 Larson Building, Yakima, Wash. The council is composed of the following organizations of fruit growers and shippers in Washington and Oregon:

- Hood River Traffic Association.
- Medford Pear Shippers Association.
- Wenatchee Valley Traffic Association.
- Yakima Valley Growers-Shippers Association.
- Washington State Apple Commission.
- Winter Pear Industry.

The first four associations above listed are composed of growers, packers, and shippers of deciduous fruits in their respective areas. The council represents growers of practically 100 percent of all apples and in excess of 90 percent of all other deciduous fruits grown commercially in the two States, totaling approximately 9,000 growers.

This statement is submitted in support of proposed legislation to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608(6)(I)) to give growers of fresh pears the authority under a marketing agreement and order to assess themselves and to use the funds for advertising and market promotion activities.

A bill to amend this section was introduced by Congressman Ullman—H.R. 7599. This bill would insert the words "or pears" immediately after the words "applicable to cherries". We recommend the words "or fresh pears". We understand similar bills have been introduced for other commodities.

California, Washington, and Oregon are the primary producing areas for pears. Practically all winter pears, which are presently covered by a marketing agreement, are grown in these three States. Almost all pears of other varieties are also grown in these three States.

Pear growers and shippers in Washington and Oregon have considered this proposed legislation and strongly support it. There is universal support from each of our member organizations and we know of no objection in Washington or Oregon to an amendment which would grant the requested authority for "fresh pears." At present, authority to enter into a marketing agreement is restricted to fresh

pears, i.e., you cannot have a marketing agreement for pears for processing. We suggest that the proposed bill cover "fresh pears" and if the growers of pears for processing should ever seek authority to have the Agricultural Marketing Agreement of 1937 broadened to include pears for processing, they could at the same time ask for an amendment to section 8c(6)(I) to authorize the collection and expenditures of funds for promotional purposes if they see fit.

We understand that there is no objection from California to this proposal to include pears.

Since this proposed legislation does not place any burden on the peargrowers, but is only enabling legislation to permit the growers to amend their marketing agreement to authorize them to assess themselves for promotional purposes, we strongly recommend early favorable action on a bill which would extend this authority to "fresh pears" as well as to other fruits which are making a similar request. This gives growers another tool to use in their efforts to help themselves without cost or burden on the Federal Government.

Mr. MATSUNAGA. We certainly appreciate your being here with us today and sharing your views with us.

Are there any other questions?

If not, we thank you again.

Mr. GLASPEY. Thank you.

Mr. MATSUNAGA. And without objection we will also include in the record at this point a letter dated July 19, 1965, received from the American Farm Bureau Federation.

(The letter dated July 19, 1965, follows:)

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., July 19, 1965.

Re H.R. 445 and H.R. 8020, amendments to the Marketing Agreement Act.

Hon. SPARK M. MATSUNAGA

Chairman, Domestic Marketing and Consumer Relations Subcommittee of the House Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MATSUNAGA: Your subcommittee is holding hearings on several bills that would add additional commodities to that section of the Agricultural Marketing Agreement Act of 1937, under which funds could be collected from agricultural producers to be used for a paid advertising program. Carrots, citrus fruits, onions, plums, nectarines, pears, and several other commodities would be added to cherries as commodities for which a paid advertising program could be established under a Federal market order.

The elected voting delegates of the member State Farm Bureaus as our most recent annual meeting adopted the following Farm Bureau policy concerning Federal marketing orders that relate to the legislation before your subcommittee:

"Orders should not be used to collect funds for advertising and promotion or for the purchase of agricultural products for diversion purposes."

In addition, the Farm Bureau policy on promotion of agricultural commodities is also important in discussing this legislation. The pertinent paragraphs are as follows:

"We believe that any funds raised for the purpose of promoting the sale of farm commodities should be collected on a voluntary basis, administered by a non-governmental organization of producers—with handlers and processors included where it is mutually agreed that they should be included—through its board or committee, and used solely for the specific purposes for which collected and not for legislative or political activities.

"We define a voluntary checkoff as one which leaves producers free to refuse to contribute or enables them to obtain the refund of any assessments collected by the voluntary action of market agencies. The procedure for obtaining refunds should not be so burdensome as to have the practical effect of depriving individual producers of the opportunity to obtain refunds."

The Farm Bureau has supported the Federal marketing order program for many years. We have not felt that it was the proper function of a marketing order to be used as a device for collecting promotion funds for producers for a paid advertising program.

We hope that the legislative proposals before your subcommittee will not be approved.

We would appreciate your making this letter a part of the official hearing record.

Sincerely yours,

JOHN C. LYNN, *Legislative Director.*

(The following letter was also submitted to the subcommittee:)

NATIONAL COUNCIL OF FARMER COOPERATIVES,
Washington, D.C., July 29, 1965.

Hon. S. M. MATSUNAGA,

Chairman, Subcommittee on Domestic Marketing and Consumer Relations, Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR MR. MATSUNAGA: The national council supports the provisions of H.R. 445, H.R. 7599, and H.R. 8020, authorizing market promotion activities, including paid advertising, under marketing orders for carrots, citrus fruits, onions, pears, plums, and nectarines as established in accordance with the Agricultural Marketing Agreement Act of 1937.

Included in the council's current policy statement on "Marketing Agreements and Orders" is the following:

"Experience in recent years confirms the conclusion that legislative authority of the type contained in the Agricultural Marketing Agreement Act of 1937 has made a substantial contribution to the bargaining power of producers of specific commodities and thereby to maintaining and raising their income. The national council favors legislation for the continuation and liberalization of the marketing agreement and order type authority to: * * *; (2) enlarge and clarify the authorization for agencies established under marketing orders to engage in or finance, within reasonable limits, research and/or market promotion activities from funds collected pursuant to the marketing order * * *."

We believe that, for many commodity groups, this may prove to be the most practical, effective, and equitable method of carrying out joint producer-processor-handler programs to promote the sale of their products. We do not subscribe to the view sometimes advanced that increased sale of one agricultural product is necessarily and totally at the expense of another. We believe that through spelling out health benefits and other little-appreciated merits of many food items, well-conceived promotional programs might often increase purchase of fruits or other such products as an addition rather than a replacement in the food budget. Furthermore, the increased promotional competition among foods can lead to improved quality control, brand identification and product innovations which could be beneficial to consumers, producers, and the trade.

We would appreciate it if this statement can be included as part of the record of hearings on H.R. 455, H.R. 7599 and H.R. 8020.

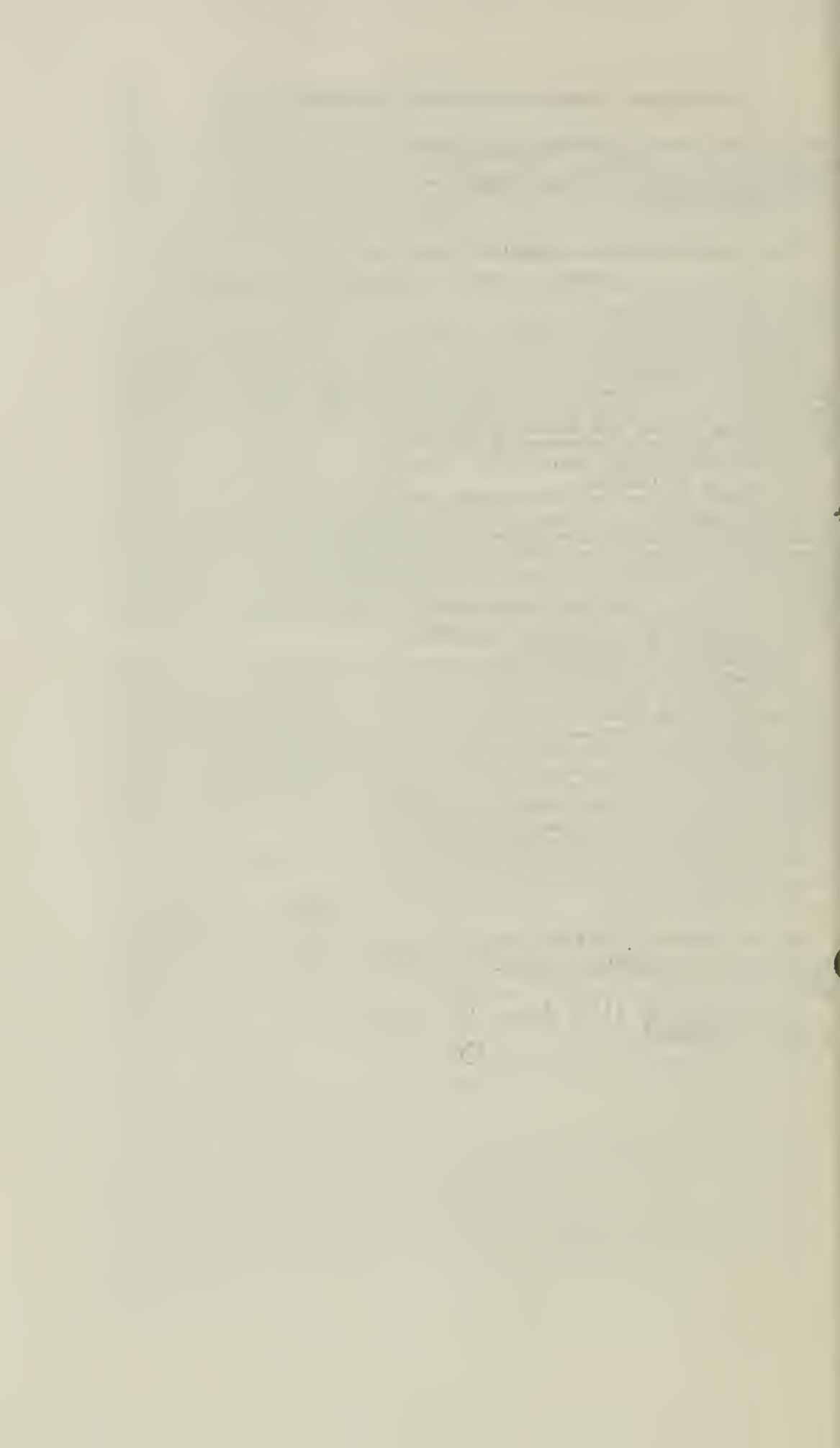
Sincerely,

ROBERT N. HAMPTON.

Mr. MATSUNAGA. If there are no further questions or witnesses, we shall go into executive session. We shall consider the public hearing closed.

(Whereupon, at 11:30 a.m., the subcommittee proceeded into executive session.)





LEGISLATIVE HISTORY

Public Law 89-330
S. 2092

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INDEX AND SUMMARY OF S. 2092

June	7, 1965	Sen. Holland introduced S. 2092 which was referred to S. Agriculture and Forestry Committee. Print of bill as introduced.
Aug.	2, 1965	Rep. De La Garza introduced H. R. 10206 which was referred to H. Agriculture Committee. Print of bill as introduced.
Aug.	11, 1965	House committee voted to report H. R. 10206.
Aug.	24, 1965	House committee reported H. R. 10206 without amendment. H. Report 846. Print of bill and report.
Aug.	25, 1965	Senate committee reported S. 2092 without amendment. S. Report 648. Print of bill and report.
Aug.	30, 1965	Senate passed S. 2092 without amendment.
Sept.	7, 1965	House passed H. R. 10206 with amendment. Print of bill as passed by House.
Oct.	14, 1965	House passed S. 2092 with amendment, inserting language of H. R. 10206.
Oct.	18, 1965	Senate concurred in House amendment to S. 2092 with an amendment.
Oct.	20, 1965	House concurred in Senate amendment to the House amendment to S. 2092.
Nov.	8, 1965	Approved: Public Law 89-330.

Hearing: H. Agriculture Committee on H. R. 299, etc. July 20, 1965. Serial 0.

DIGEST OF PUBLIC LAW 89-330

PAID ADVERTISING FOR FRUITS AND VEGETABLES UNDER
MARKETING ORDERS.

Amends the Agricultural Marketing Agreement Act of 1937 so as to (1) authorize any form of marketing promotion, including paid advertising under marketing orders for carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, or avocados, and (2) specifically authorize container and pack regulations under marketing orders in over-parity situations.

S. 2092

IN THE SENATE OF THE UNITED STATES

JUNE 7, 1965

Mr. HOLLAND introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the proviso at the end of section 8c (6) (I) of the Agri-
4 cultural Adjustment Act (reenacted by the Agricultural
5 Marketing Agreement Act of 1937) (7 U.S.C. 608c (6)
6 (I)) is amended by inserting a comma and the following:
7 “celery, sweet corn, limes, or avocados” immediately after
8 “applicable to cherries”.

A BILL

To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising.

By Mr. HOLLAND

JUNE 7, 1965

Read twice and referred to the Committee on
Agriculture and Forestry

89TH CONGRESS
1ST SESSION

H. R. 10206

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1965

MR. DE LA GARZA introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Agricultural Adjustment Act of 1933, as
4 amended, and as reenacted and amended by the Agricultural
5 Marketing Agreement Act of 1937, as amended, is further
6 amended as follows:

7 (a) Section 2 (3) is amended by inserting "such con-
8 tainer and pack requirements provided in section 8 (c) (6)
9 (H) ", immediately after "establish and maintain".

10 (b) Section 8c (2) (A) is amended by inserting "and

1 onions" immediately after "(not including vegetables other
2 than asparagus".

3 (c) The proviso at the end of section 8c(6) (I) is
4 amended by inserting ", carrots, citrus fruits, onions, Tokay
5 grapes, fresh pears, dates, plums, nectarines, celery, sweet
6 corn, limes, or avocados" immediately after "applicable to
7 cherries".

89TH CONGRESS
1ST SESSION

H. R. 10206

A BILL

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

By Mr. DE LA GARZA

August 2, 1965

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
FOR INFORMATION ONLY;
(NOT TO BE QUOTED OR CITED)

Issued August 12, 1965
For actions of August 11, 1965
89th-1st; No. 147

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HIGHLIGHTS: House Rules Committee cleared farm bill. House debated public works-economic development bill. House committee voted to report Spruce Knob-Seneca Rocks recreation area bill and bill to expand various FHA loan authorities. Senate passed bill to establish Department of Housing and Urban Development. Sen. McGovern criticized cargo shipping restrictions on sales of wheat to Russia. Rep. Martin inserted article criticizing food for peace program. Rep. Matthews introduced and discussed bill to amend acreage-poundage quotas for tobacco.

HOUSE

1. FARM PROGRAM. The Rules Committee reported a resolution for consideration of the farm bill. p. 19189
2. LABOR-HEW APPROPRIATION BILL. Conferees were appointed on this bill H.R. 7765 (p. 19189). Senate conferees have already been appointed.
3. PUBLIC WORKS; ECONOMIC DEVELOPMENT. Began debate on S. 1648, the proposed Public Works and Economic Development Act of 1965. pp. 19190-239, 19242-3

4. RECREATION. The "Daily Digest" states that the Agriculture Committee voted to report (but did not actually report) H. R. 10330, to provide for the establishment of the Spruce Knob-Seneca Rocks National Recreation Area, W. Va.; S. 1764, to authorize the acquisition of certain lands within the boundaries of the Uinta National Forest, Utah, in lieu of H. R. 8344 and H. R. 9161; and H.R. 10366, a clean bill, to establish the Mount Rogers National Recreation Area in the Jefferson National Forest, Va., in lieu of H. R. 316. p. D777
5. FORESTRY; PROPERTY. The "Daily Digest" states that the Agriculture Committee voted to report (but did not actually report) with amendment S. 1689, to authorize the Secretary of Agriculture to hire or rent property from employees of the Forest Service for the use of that Service.
6. LOANS. The "Daily Digest" states that the Agriculture Committee voted to report (but did not actually report with amendment H. R. 10232, to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public or quasi-public agencies and corporations not operated for profit with respect to water supply, water systems, and waste disposal systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, and to increase the annual aggregate of insured loans thereunder. pp. D777
7. MARKETING ORDERS. The "Daily Digest" states that the Agriculture Committee voted to report (but did not actually report) H. R. 10206, to amend the Agricultural Marketing Agreement Act of 1937 (re marketing orders for certain fruits and vegetables) in lieu of H. R. 10209. p. D777
8. ANIMALS; RESEARCH. The "Daily Digest" states that the Agriculture Committee "ordered referred to the Subcommittee on Livestock and Feed Grains" H. R. 9743, to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation." p. D777
9. WATERSHEDS. The "Daily Digest" states that Agriculture Committee approved plan for works of improvement on the following watersheds: Upper Crooked Creek, Ark.; Haney Creek, Ark.; Buffalo Creek, Ohio; Crooked Creek, Ala.; Muddy Fork of Silver Creek, Ind.; St. Thomas Lodema, N. Dak.; Assunpink Creek, N. J.; Mills Creek, Fla.; Turkey Creek, Iowa; Mitchell Swamp-Pleasant Meadow Branch, S. C.; Willis River, Va.; Cub Creek, Nebr.; Lakin, Kans.; Standing Pine Creek, Miss.; and Fishing Creek, S. C. p. D777
10. PERSONNEL; RETIREMENT. Rep. William D. Ford spoke in favor of H. R. 8469, "to provide equitable and desperately needed increases in the annuities of Federal civil service retirees and their survivors." p. 19249
11. COMMITTEE EMPLOYEES. Received from the various committees reports showing positions and salaries of employees during the first six months of 1965. pp. 19252-60
12. TARIFF. Received from Treasury a proposed bill to amend the Tariff Act of 1930 to authorize the collection of user charges, and to permit any charges for customs services to be collected on a flat fee basis; to Ways and Means Committee. p. 19260
13. WATER SUPPLY. Rep. Celler inserted the President's remarks before the Water Emergency Conference at the White House. pp. 19247-9

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

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U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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Issued
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August 25, 1965
August 24, 1965
89th-1st. No. 156

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HIGHLIGHTS: See page 6

HOUSE

1. MARKETING ORDERS. The Agriculture Committee reported without amendment H. R. 10206, to amend the Agricultural Marketing Agreement Act of 1937 (re marketing orders for certain fruits and vegetables) (H. Rept. 846). p. 20841
2. LOANS. The Agriculture Committee reported with amendment H. R. 10232, to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply, water systems, and waste disposal systems serving rural areas and to make grants to aid in rural community development planning and in connection with

the construction of such community facilities, and to increase the annual aggregate of insured real estate loans (H. Rept. 847). p. 20841

3. FORESTRY; PROPERTY. The Agriculture Committee reported with amendment S. 1689, to authorize the Secretary of Agriculture to hire or rent property from employees of the Forest Service for the use of that Service (H. Rept. 848); and without amendment S. 1764, to authorize the acquisition of certain lands within the boundaries of the Uinta National Forest, Utah (H. Rept. 849). p. 20841
4. WEIGHTS AND MEASURES. The Science and Astronautics Committee reported without amendment H. R. 10329, to determine the practicability of adoption by the U. S. of the metric system of weights and measures (H. Rept. 850). p. 20841
5. APPROPRIATIONS. Rep. Hall objected to a request to send to conference H. R. 10323, the military construction appropriation bill for 1966. pp. 20746-7
Agreed to make in order this week the consideration of a resolution continuing appropriations for fiscal year 1966 through Sept. p. 20747
Passed without amendment H. R. 10586, making supplemental appropriations to the Labor and HEW Departments (pp. 20749-73). The bill includes these items: \$1,723,000 for the Labor Department to "make it possible to more quickly and accurately determine the need for temporary entry into the United States of foreign agricultural workers," \$7,000,000 for the new Administration on Aging in HEW, and \$967,000,000 for activities under the Elementary and Secondary Education Act of 1965.
6. EDUCATION. Agreed to a resolution to provide for consideration of H. R. 9022, to amend the law authorizing aid to education in Federally impacted areas. pp. 20747-9
7. FARM LABOR. Rep. Cederberg stated that "Michigan pickle growers are in a pickle" unless farm labor is provided at once. p. 20808
Rep. Cleveland criticized Labor Secretary Wirtz' "stubborn attitude" and stated that N. H. apple growers will suffer great damage unless they are allowed to recruit Canadian apple pickers. pp. 20810-1
8. BREAD; SUBSIDY. Rep. Berry stated that "now we have 'breadicare' a direct Federal subsidy to every consumer of bread." pp. 20811-2
9. SUGAR LOBBYISTS. Rep. Findley inserted a table summarizing information on the compensation of sugar lobbyists. pp. 20813-4
10. EMPLOYMENT. Rep. Albert commended the task force on Youth Opportunity for finding summer jobs for 820,000 young Americans. p. 20826
Rep. Albert inserted the President's address before the White House Conference on Equal Employment Opportunities. pp. 20827-8
11. FEES AND CHARGES. Received from this Department proposed legislation to provide for the payment by soil and water conservation districts and other State and local agencies and farmers, ranchers, and other landowners and operators of part of the Federal costs of furnishing certain technical assistance under the Soil Conservation Act of 1935; to Agriculture Committee. p. 20841
12. CCC; GRAIN STORAGE. Received from the Acting Comptroller General a letter transmitting a report of additional costs incurred for farm storage of grain; to Government Operations Committee. p. 20841
13. BUILDINGS. Received from GSA proposed legislation to provide for the repair and replacement of sidewalks around Government-owned building sites and installations; to Public Works Committee. p. 20841

AMENDMENTS TO MARKETING AGREEMENT ACT OF 1937

AUGUST 24, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

R E P O R T

[To accompany H.R. 10206]

The Committee on Agriculture, to whom was referred the bill (H.R. 10206) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of this bill is to amend the Agricultural Marketing Agreement Act of 1937 in three respects:

(1) To permit the developing of a marketing agreement or order for onions for canning or freezing.

(2) To permit the continuation of container and pack requirements under existing marketing agreements and orders even when the price of the affected commodity is above parity.

(3) To permit provisions for marketing research and development programs, including advertising, to be incorporated into marketing agreements and orders for the commodities named in the bill.

NEED FOR THE LEGISLATION

The Agricultural Marketing Agreement Act of 1937 is restrictive in nature, limiting the scope of its coverage to commodities and forms of commodities named in the act and the provisions which are contained in marketing agreements and orders to only those which are specifically authorized in the act.

Therefore, in order to authorize a marketing agreement or order for a commodity not named in the act, it must be so named, and this is the reason for the paragraph including onions for canning or freezing.

The general provisions of the act require that when the price of the affected commodity exceeds the parity price therefor, the provisions of the marketing agreement or order shall become ineffective. This is for the purpose protecting consumers against an artificial scarcity of the affected commodity. Most marketing agreements and orders contain provisions relating to the size, type, and designation of the various containers in which the commodity is packed. This is a benefit to the consumer, whether the commodity is above or below parity. The provision in the bill relating to packs and containers would permit the continuation of this type of regulation in marketing agreements and orders whether the price of the commodity is above or below parity. The original provisions of the Agricultural Marketing Agreement Act did not provide for market development and advertising as part of the marketing agreement or order. Over the past several years, numerous commodity groups have come to the Congress and asked for authority to provide for such activities under the terms of their agreement and it has always been granted.

This bill combines several such individual requests made by various producer groups operating under marketing agreements or orders.

HEARINGS AND CLEAN BILL

Hearings were held by the Domestic Marketing Subcommittee, under the chairmanship of Mr. Matsunaga, on several bills proposing the action incorporated in this bill for one or more individual commodities. The bills under consideration were H.R. 299 by Mr. de la Garza, H.R. 445 by Mr. de la Garza, H.R. 1061 by Mr. McFall, H.R. 7599 by Mr. Ullman, H.R. 8020 by Mr. Sisk, H.R. 8921 by Mr. Hagen of California, H.R. 9139 by Mr. Tunney, and H.R. 9418 by Mr. Fascell.

Hearings were held by the subcommittee on all the named bills and spokesmen for the Department of Agriculture appeared in favor of all the bills. There were no witnesses in opposition. The Department of Agriculture suggested that, rather than reporting separate bills, the provisions of the several bills be combined into one and that this clean bill be reported by the subcommittee. This was done and Mr. de la Garza of the subcommittee was directed to introduce the combined bill (H.R. 10206) which is herewith reported.

COST

The Department of Agriculture estimates that each new marketing order will cost about \$25,000 per year in administrative expenses.

DEPARTMENTAL APPROVAL

The Department of Agriculture has approved the enactment of all of the bills which were considered by the subcommittee, and consolidated in this clean bill. Typical of its reports on the several bills is its report on H.R. 445, which is set out below.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 15, 1965.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of January 12, 1965, for a report on H.R. 445, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to permit marketing orders applicable to carrots, citrus fruits, and onions to provide for any form of marketing promotion, including paid advertising.

The Department recommends that this bill be passed. However, to avoid possible misinterpretation, it also recommends that the proposed amendatory insertion in section 8c(6)(I) be revised to read as follows: "carrots, citrus fruits, or onions".

The act does not authorize advertising of commodities except for cherries under marketing agreement and order programs. There is one marketing order program in effect for cherries, those grown in designated counties in the State of Washington, but it does not include provisions for advertising. Therefore, the Department has not had any experience in the operation of an advertising program under marketing agreements and orders. However, if the growers of the commodities specified believe that advertising will benefit them, thereby tending to meet the objectives of the act, such authority should be added to the act.

Fruit and vegetable industries have expressed growing interest in advertising programs in recent years. Some are now conducting programs under State marketing orders, commissions, or similar authorities established by State legislation. Voluntary efforts have shown that financing an advertising program is difficult without the help of State legislation or similar mediums such as under a Federal marketing order. Growers and handlers believe that advertising authority under the Federal statute will not only provide a means to finance such programs but will also increase interest among producers in other benefits which may be derived from Federal marketing agreements and orders. The commodities listed in H.R. 445 would serve in providing experience now lacking in the operation of Federal marketing agreements and orders.

Similar legislation was introduced in the 88th Congress for authorization to provide paid advertising for Tokay grapes (H.R. 11464). The Department forwarded a favorable report on H.R. 11464 to the Committee on Agriculture, July 31, 1964; however, no final action was taken on this particular bill.

Marketing agreement and order programs are now in effect for citrus grown in all three of the major production areas; for onions grown in south Texas and in Idaho-eastern Oregon; and for carrots grown in south Texas. Any additional cost to the Department that may result from the enactment of this proposed legislation would be absorbed within existing appropriations with respect to these programs. However, any new programs that might result by the enactment of this proposed legislation would entail an estimated annual cost of \$25,000 for each new marketing order.

The Bureau of the Budget advises that there is no objection from the standpoint of the administration's program to the presentation of this report.

Sincerely yours,

CHARLES MURPHY,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT OF 1933, AS AMENDED, AND REENACTED AND AMENDED BY THE AGRICUL- TURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

* * * * *

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress—

(1) Through the exercise of the powers conferred upon the Secretary of Agriculture under this title, to establish and maintain such orderly marketing conditions for agricultural commodities in interstate commerce as will establish, as the prices to farmers, parity prices as defined by section 301(a)(1) of the Agricultural Adjustment Act of 1938.

(2) To protect the interest of the consumer by (a) approaching the level of prices which it is declared to be the policy of Congress to establish in subsection (1) of this section by gradual correction of the current level at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (b) authorizing no action under this title which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish in subsection (1) of this section.

(3) Through the exercise of the power conferred upon the Secretary of Agriculture under this title, to establish and maintain *such container and pack requirements provides in section 8(c)(6)(H)* such minimum standards of quality and maturity and such grading and inspection requirements for agricultural commodities enumerated in section 8c(2), other than milk and its products, in interstate commerce as will effectuate such orderly marketing of such agricultural commodities as will be in the public interest.

(4) Through the exercise of the power conferred upon the Secretary of Agriculture under this title, to establish and maintain such orderly marketing conditions for any agricultural commodity enumerated in section 8c(2) as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices.

(5) Through the exercise of the power conferred upon the Secretary of Agriculture under this title, to continue for the remainder of any marketing season or marketing year, such regulation pursuant to any order as will tend to avoid a disruption of the orderly marketing of any commodity and be in the public interest, if the regulation of such commodity under such order has been initiated during such marketing season or marketing year on the basis of its need to effectuate the policy of this title.

* * * * *

ORDERS

SEC. 8c. (1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

COMMODITIES TO WHICH APPLICABLE

(2) Orders issued pursuant to this section shall be applicable only to (A) the following agricultural commodities and the products thereof (except canned or frozen grapefruit, cherries, apples, or cranberries, the products of naval stores, and the products of honeybees), or to any regional, or market classification of any such commodity or product: Milk, fruits (including filberts, almonds, pecans and walnuts but not including apples, other than apples produced in the States of Washington, Oregon, Idaho, New York, Michigan, Maryland, New Jersey, Indiana, California, Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, and Connecticut, and not including fruits for canning or freezing other than olives, grapefruit, cherries, cranberries, and apples produced in the States named above except Washington, Oregon, and Idaho), tobacco, vegetables (not including vegetables, other than asparagus, *and onions* for canning or freezing), hops, honeybees and naval stores as included in the Naval Stores Act and standards established thereunder (including refined or partially refined oleoresin): *Provided*, That no order issued pursuant to this section shall be effective as to any grapefruit for canning or freezing unless the Secretary of Agriculture determines, in addition to other findings and determinations required by this Act, that the issuance of such order is approved or favored by the processors who, during a representative period determined by the Secretary, have been engaged in canning or freezing such commodity for market and have canned or frozen for market more than 50 per centum of the total volume of such commodity canned or frozen for market during such representative period; and (B) any agricultural commodity (except honey, cotton, rice, wheat, corn, grain sorghums, oats, barley, rye, sugarcane, sugarbeets, wool, mohair, livestock, soybeans, cottonseed, flaxseed, poultry (but not excepting turkeys), eggs (but not excepting

turkey hatching eggs), fruits and vegetables for canning or freezing, and apples), or any regional or market classification thereof, not subject to orders under (A) of this paragraph, but not the products (including canned or frozen commodities or products) thereof. No order issued pursuant to this section shall be effective as to cherries, apples, or cranberries for canning or freezing unless the Secretary of Agriculture determines, in addition to other required findings and determinations, that the issuance of such order is approved or favored by processors who, during a representative period determined by the Secretary, have engaged in canning or freezing such commodity for market and have frozen or canned more than 50 per centum of the total volume of the commodity to be regulated which was canned or frozen within the production area, or marketed within the marketing area, defined in such order, during such representative period. No order issued pursuant to this section shall be applicable to peanuts produced in more than one of the following production areas: the Virginia-Carolina production area, the Southeast production area, and the Southwest production area. If the Secretary determines that the declared policy of the title will be better achieved, thereby (i) the commodities of the same general class and used wholly or in part for the same purposes may be combined and treated as a single commodity and (ii) the portion of an agricultural commodity devoted to or marketed for a particular use or combination of uses, may be treated as separate agricultural commodity. All agricultural commodities and products covered hereby shall be deemed specified herein for the purposes of section 8c (6) and (7) of this title.

* * * * *

TERMS—OTHER COMMODITIES

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

* * * * *

(I) Establishing or providing for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to orders applicable to cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, or avocados such projects may provide for any form of marketing promotion including paid advertising.

ALB. 57206

3 APR

H. R. 10206

[Report No. 846]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1965

Mr. DE LA GARZA introduced the following bill; which was referred to the Committee on Agriculture

AUGUST 24, 1965

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Agricultural Adjustment Act of 1933, as amended,
4 and as reenacted and amended by the Agricultural Market-
5 ing Agreement Act of 1937, as amended, is further amended
6 as follows:

7 (a) Section 2 (3) is amended by inserting "such con-
8 tainer and pack requirements provided in section 8 (c) (6)
9 (H)", immediately after "establish and maintain".

10 (b) Section 8c (2) (A) is amended by inserting "and

1 onions” immediately after “(not including vegetables other
2 than asparagus”.

3 (c) The proviso at the end of section 8c(6) (I) is
4 amended by inserting “, carrots, citrus fruits, onions, Tokay
5 grapes, fresh pears, dates, plums, nectarines, celery, sweet
6 corn, limes, or avocados” immediately after “applicable to
7 cherries”.

Union Calendar No. 373

89TH CONGRESS
1ST SESSION

H. R. 10206

[Report No. 846]

A BILL

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

By Mr. DE LA GARZA

August 2, 1965

Referred to the Committee on Agriculture

August 24, 1965

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
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Issued August 26, 1965
For actions of August 25, 1965
89th-1st, No. 157

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HIGHLIGHTS: Senate debated bill to exempt REA coops from FPC jurisdiction. Sen. Carlson submitted amendment to farm bill to prohibit CCC sales of wheat at less than 110 percent of price support. Sen. Young, N. Dak., defended price supports for farm commodities. House passed appropriations continuing resolution. Rep. Nelsen urged action on sugar legislation. Rep. Cooley stated blanketing of farm labor under minimum wage would result in rise in food and fiber costs. Rep. Findley inserted list of Sugar Act payments.

SENATE

1. ELECTRIFICATION. Began debate on S. 1459, to amend the Federal Power Act so as to exempt from the regulatory jurisdiction of the Federal Power Commission any cooperative or nonprofit membership organization which is financed by the Rural Electrification Administration. pp. 20931-4
Received from REA a report "on the approval of a loan to the Big Rivers Rural Electric Cooperative Corp., of Henderson, Ky., in the amount of \$3,352,000, for the financing of certain transmission facilities." p. 20850

2. DEFENSE DEPARTMENT APPROPRIATION BILL. By a vote of 89 to 0, passed with amendments this bill, H. R. 9221 (pp. 20896-927). Conferees were appointed (p. 20927). House conferees have not yet been appointed. This bill includes a provision authorizing the Defense Department to purchase milk for enlisted personnel which was previously furnished without charge by CCC.
3. MARKETING ORDERS; FRUITS AND VEGETABLES. The Agriculture and Forestry Committee reported without amendment S. 2092, to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising (S.Rept. 648). p. 20851
4. WHEAT. Sen. Carlson submitted an amendment intended to be proposed to the farm bill when it is considered to provide that CCC shall not make any sales of wheat at less than 110 percent of current support prices plus reasonable carrying charges. p. 20856
5. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 8469, with amendment, to provide certain increases in civil service retirement annuities, and S. 2393, to authorize additional GS-16, GS-17, and GS-18 positions for use in agencies or functions created or substantially expanded after June 30, 1965. p. D842
Passed without amendment S. 1474, to create a bipartisan commission to study the laws limiting political activity by Federal employees. pp. 20876-7
Sen. Neuberger inserted her testimony in support of passage of H. R. 8469, to provide certain increases in civil service retirement annuities. pp. 20887-8
6. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendments S. 1674, to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources. p. D841
The "Daily Digest" states that the Interior and Insular Affairs Committee "reconsidered its action of August 12 when it approved for reporting with amendment S. 897, to establish the St. Croix National Scenic Waterway, Minn. and Wis., adopted additional amendments thereto, and ordered the bill reported to the Senate." p. D841
The "Daily Digest" states that the Interior and Insular Affairs Committee "considered, but took no final action on, S. 1446, reserving certain public lands for the establishment of a National Wild Rivers System." p. D842
7. FARM PRICES. Sen. Young, N. Dak., defended farm price support programs as a means of supporting farm income and inserted two items in support of his position. pp. 20886-7
8. PATENTS. Sen. Neuberger inserted Sen. Long's testimony before the Subcommittee on Patents, Trademarks, and Copyrights expressing his views on Government patent policy. pp. 20888-90
9. FARM LABOR. Sen. Smith criticized Secretary of Labor Wirtz' decision that it would not be necessary to import Canadian workers to harvest the apple crop in Maine this year. p. 20894
10. FOREIGN AID. Sen. Javits inserted and commended a summary of the report of the Advisory Committee on Private Enterprise in Foreign Aid. pp. 20927-31
11. DISASTER RELIEF. Received from the President "a report on actions taken by five Federal departments and agencies to assist in the recovery of Alaska following the earthquake of March 27, 1964, for the 6-month period ended June 30, 1965." p. 20850

ADVERTISING PROVISIONS AUTHORIZED IN MARKETING ORDERS FOR CELERY, SWEET CORN, LIMES, AND AVOCADOS

AUGUST 25, 1965.—Ordered to be printed

Mr. HOLLAND, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 2092]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2092) to amend the Agricultural Marketing Agreement Act of 1937, to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

This bill would amend the marketing agreement law to permit inclusion of provisions for paid advertising in marketing orders applicable to celery, sweet corn, limes, or avocados. This authority is already authorized for cherry marketing orders.

Subsequent to the receipt of a favorable report from the Department of Agriculture on this bill, the committee received a proposal that milk should be added to the commodities covered by the bill. Marketing orders for milk are substantially different from marketing orders applicable to other commodities, and the inclusion of advertising authority would therefore present a somewhat different situation for milk. The committee felt that further study should be given to the proposal to include milk and therefore does not recommend its inclusion in the bill at this time.

DEPARTMENTAL REPORT

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 20, 1965.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of June 8, 1965, for a report on S. 2092, a bill to amend the Agricultural Marketing

Agreement Act of 1937, as amended, to permit marketing orders applicable to celery, sweet corn, limes, and avocados to provide for any form of marketing promotion including paid advertising.

The Department recommends that this bill be passed.

The advertising of commodities under marketing agreement and order programs has not been authorized except for cherries. The one program that we have for cherries, those grown in certain counties in the State of Washington, does not include provisions for advertising. Thus, the Department has not had any experience in the operation of an advertising program under a marketing agreement and order. However, agricultural producers have continued to expand the use of advertising and trade promotion in the marketing of their crops. There is scarcely a State in which the producers of some commodity have not set up, under State legislation, a program to promote their commodity in the marketplace. Some States have established commissions for this purpose while others have used State marketing orders. However, the principal feature of each is a compulsory assessment on producers, handlers, or both to provide funds to finance the programs.

The trend has definitely been in the direction of more and more commodity advertising and promotion in agriculture. We anticipate further efforts will be made by fruit and vegetable industries to obtain the means of financing the advertising and promotion of these commodities so as to maintain or advance their position in the marketplace. The Agricultural Marketing Agreement Act could provide the facility for this purpose. We believe any fruit or vegetable commodity group which actively supports the development of a promotion program by this means should be given the opportunity to do so.

Marketing agreement and order programs are now in effect for limes and avocados grown in Florida. Any additional cost to the Department that may result from the enactment of this proposed legislation would be absorbed within existing appropriations with respect to these programs. However, any new programs that might result by the enactment of this proposed legislation would entail an estimated annual cost of \$25,000 for each new marketing order.

The Bureau of the Budget advises that there is no objection from the standpoint of the administration's program to the presentation of this report.

Sincerely yours,

(S) JOHN A. SCHNITTKER,
Acting Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT

SEC. 8c. * * *

TERMS—OTHER COMMODITIES

(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

* * * * *

(1) Establishing or providing for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to orders applicable to cherries, *celery*, *sweet corn*, *limes*, or *avocados* such projects may provide for any form of marketing promotion including paid advertising.



Calendar No. 630

89TH CONGRESS
1ST SESSION

S. 2092

[Report No. 648]

IN THE SENATE OF THE UNITED STATES

JUNE 7, 1965

Mr. HOLLAND introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

AUGUST 25, 1965

Reported by Mr. HOLLAND, without amendment

A BILL

To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the proviso at the end of section 8c (6) (I) of the Agri-
4 cultural Adjustment Act (reenacted by the Agricultural
5 Marketing Agreement Act of 1937) (7 U.S.C. 608c (6)
6 (I)) is amended by inserting a comma and the following:
7 “celery, sweet corn, limes, or avocados” immediately after
8 “applicable to cherries”.

[Report No. 648]

A BILL

To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising.

By Mr. HOLLAND

JUNE 7, 1965

Read twice and referred to the Committee on
Agriculture and Forestry

AUGUST 25, 1965

Reported without amendment

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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OFFICE OF BUDGET AND FINANCE
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Issued Aug. 31, 1965
For actions of Aug. 30, 1965
89th-1st; No. 159

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HIGHLIGHTS: Senate passed appropriation continuing resolution. Sen. Fulbright urged sale of wheat to Russia. Rep. Findley urged caution in drafting new sugar legislation, and criticized possible "new wheat deal" with Russia. Sen. Ribicoff introduced and discussed pesticide control bill. Rep. St. Onge urged nationwide marketing order for eggs. Rep. Cooley criticized proposed New Castle poultry loans.

SENATE

1. HOUSING. Agreed to the conference report on H. R. 6927, to provide for the establishment of a Department of Housing and Urban Development (pp. 21388-90). The bill includes a provision directing the President to undertake studies of the organization of housing and urban development programs within the Federal Government and to provide Congress with the results of such studies together with recommendations regarding the possible transfer of functions and programs to or from the Department.

2. APPROPRIATIONS. Passed without amendment H. J. Res. 639, the appropriations continuing resolution, which Sen. Hayden stated "extends from August 31 to September 30 existing provisions of law, providing funds for the operation of those agencies of Government for which the regular appropriation bills for the fiscal year 1966 have not yet been enacted" (p. 21388). This measure will now be sent to the President.
3. MARKETING ORDERS. Passed without amendment S. 2092, to permit inclusion of provisions for paid advertising in marketing orders applicable to celery, sweet corn, limes, or avocados. p. 21404
4. EDUCATION. The "Daily Digest" states that on Fri., Aug. 27, a subcommittee of the Labor and Public Welfare Committee "approved for full committee consideration with amendments S. 600, proposed Higher Education Act of 1965." p. D857
5. PERSONNEL. The Post Office and Civil Service Committee reported S. 2393, without amendment, to authorize additional GS-16, GS-17, and GS-18 positions for use in agencies or functions created or substantially expanded after June 30, 1965 (S. Rept. 652), and H. R. 8469, with amendments, to provide certain increases in annuities payable from the civil service retirement and disability fund (S. Rept. 653). p. 21377
6. DEFENSE DEPARTMENT APPROPRIATION BILL. Conferees were appointed by both Houses on this bill, H. R. 9221. pp. 21275, 21374
7. WHEAT; FOREIGN TRADE. Sen. Fulbright urged that the U.S. sell wheat to Russia and inserted an article, "Most Canadians Backing Sales of Wheat to Communist Lands." p. 21395
8. DISASTER RELIEF. Sen. Jackson inserted the report of the President on actions taken by the Government to assist in the recovery of Alaska following the earthquake in 1964, including actions of this Department. pp. 21398-8
9. FARM PROGRAM. Sen. Yarborough inserted a letter to the editor by James G. Patton, president of the National Farmers Union, calling "for sound farm bill and rural programs to stabilize our rural areas instead of forcing migration from the farms." p. 21397
Sen. Proxmire inserted a speech by Sen. Kennedy, N. Y., discussing various topics, including reference to the possibility of the U. S. "using all the capacity of its farmers to feed millions of poor people all over the world." pp. 21385-6
10. BALANCE OF PAYMENTS. Sens. Proxmire and Hartke inserted several items reviewing the balance of payments situation, including letters of Secretary of Commerce Connor and Budget Bureau Director Schultze on the matter. pp. 21386-8, 21454-5
11. NOMINATION. Received the nomination of Lawrence F. O'Brien to be Postmaster General (p. 21457). Sen. Mansfield commended the nomination and inserted the transcript of the President's news conference announcing the nomination (pp. 21374-7).
12. FOREIGN AID. Sen. Carlson stated that private enterprise and non-Government resources are important in our foreign aid program and inserted the report of the Advisory Committee on Private Enterprise in Foreign Aid. pp. 21393-4

of the magical solution evaporates slowly in the free air of the marketplace of ideas."

Adlai Stevenson was a dreamer, he said: "In a world where vision and decisions determine resources, and resources no longer limit vision, it is the boldest dreamers who will move to the vanguard of mankind."

But his dreams were practical dreams and his eloquence argued that indeed only the dreamers can be the builders of the new world. He said:

"We face the strange and stirring truth that our dreams are turning into our necessities. Now that reality is catching up with our dreaming, are you, above all, you the young—afraid to dream?"

Thus is Adlai Stevenson our bard. Thus is it his destiny to remain with us throughout the journey. Thus is it our fortune to be stimulated by his continuing challenge and his eternal inspiration.

To such a man we cannot, we dare not, pay final respects. For to dismiss him from service now or to allow his image to dim with time would be to court the deadliest perils. It is better that we make now only an interim accounting of his goodness. We can be sure that the poetry of his greatness will multiply with time. For all around the earth people, common and uncommon, are contemplating at his death, the life of Adlai Stevenson, and concluding that there is no way to pay him true respect but to continue the service which his life and work continue to inspire.

It will be our deeds of the next few decades rather than our words of these last few days which will eulogize our political poet laureate.

He has not suggested that our journey will be an easy one as we push toward what he described as a "new and decent world community with freedom as its political habit." But he has urged us onward in the task. He has asked us in the words he chose as the title of his last book of speeches to be always "Looking Outward," to be always aware of the larger community of mankind. He has said in the preface to that collection:

"These writings will not have been in vain if they sweep you with a wave of guarded enthusiasm for the United Nations."

We are our own assurance that his words will not be in vain. It seems almost easy—guided by his many testaments—to contemplate difficult successes; to climb the rugged mountain.

Who can say in what person, at what time, in what place, in what way, the seeds of poetic inspiration will burst into the blooms of success. But who can deny that it will happen—through us, through our children, through our friends in every land.

For the United Nations he lived. For the United Nations he died. For the United Nations his poetic presence will labor unto eternity.

Adlai Stevenson said of Dag Hammarskjöld that "his true memorial will be the great new institution in the family of man which it is our duty to build and to nourish." We cannot say less or do less than that as the heirs of Adlai Stevenson, lately a resident of the United States and for always a citizen of the world community.

GEMINI 5

Mr. FONG. Mr. President, the people of Hawaii join all Americans in saluting and rejoicing over the magnificent success of Gemini 5 and the safe return of Astronauts Gordon Cooper and Charles Conrad.

The 50th State has a special aloha for those two men who made the historic 8-day, 120-orbit flight. It was in Ha-

waii, at the University of Hawaii, that Astronaut Cooper received his college education and met and married Trudy Olson. He received an Army commission while attending the University of Hawaii, then transferred his commission to the Air Force before being called up for extended active duty flight training in 1949.

In April 1959, at the age of 31, Cooper was selected as one of seven Mercury astronauts. On May 16, 1963, he brought Mercury space capsule Faith 7 down in the Pacific northwest of Oahu, and was given a rousing reception in Honolulu.

In January this year Astronauts Cooper and Conrad visited Hawaii to inspect the volcanic regions of the island of Hawaii, said by some scientists to be more like the surface of the moon than any other accessible place on earth.

The spectacular success of the entire Gemini 5 mission, the cool courage and skill of the astronauts, and the smooth functioning of all elements despite several technical difficulties, represent a tremendous tribute to this country's leadership in the space effort. To all who participated in the historic mission, we owe heartfelt thanks and extend a well done accolade.

WEST VIRGINIA'S BYRD FIGHTS WELFARE ABUSES

Mr. SIMPSON of Wyoming. Mr. President, the work of Senator BYRD, of West Virginia, as chairman of the Senate Subcommittee on Appropriations for the District of Columbia, was recently reviewed by Jesse Helms, a commentator for WRAL-TV in Raleigh, N.C. Mr. Helms has expanded upon his television editorial in the current edition of Human Events, a Washington, D.C., periodical.

I call this article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA'S BYRD FIGHTS WELFARE ABUSES

(By Jesse Helms, WRAL-TV commentator, Raleigh, N.C.)

Back in 1958, the State of West Virginia sent to the U.S. Senate a gentleman named ROBERT C. BYRD. There was general approval from the camp of political "liberals." There were not a few jokes aiming barbs at the veteran Senator from Virginia, HARRY BYRD, whom liberals despise like the devil hates holy water. There were cackles all around when they said, "Now we've got our BYRD." There was talk of the Senate having BYRDS "not of a feather."

But there is today dismay in the liberal camp. Forsooth, the Senator from West Virginia has turned out to be an independent liberal. Moreover, he is a prodigious worker who studies his positions before he takes them. He refuses to be bullied, and he does not take orders from the liberal establishment.

The Senator's independence and, if you please, his dedication have caused him to run afoul of many of the very people who 7 years ago were so delighted to welcome him to the Senate. Civil rights groups, supported

by preachers and pressure groups, are holding giant rallies to condemn Senator BYRD. He has been vilified, picketed, and black-guarded from one end of Washington to the other. One preacher, at a rally of 700 people, described Senator BYRD as a "a little man, hardhearted, hardheaded, biased, and segregation oriented."

We would, at this point, emphasize again that the preacher was talking not about conservative Senator HARRY BYRD, of Virginia, but liberal Senator ROBERT C. BYRD, of West Virginia.

And what is the cause of the West Virginia Senator's unpopularity with the welfare group and the liberal press? Why, it's all very simple. For the past 4 years he has been conducting virtually a one-man campaign against the flagrant abuse of public welfare in the District of Columbia.

He has cracked down on the distribution of welfare checks to people not eligible to receive money from the government. He has spoken out on the problem of illegitimate children. He has disrupted the playhouses of hundreds of women who entertain processions of men in their bedrooms, and who then turn to the government for money to support the resulting offspring.

Senator BYRD found it shocking, for example, to note that a group of 13 unwed mothers had given birth to a total of 130 illegitimate children. Another group of 14 women had a total of 126 illegitimate children. And there were another 18 women who had 144—12 dozen—illegitimate children.

In the name of God, Senator BYRD said, this has got to stop. And he went about the business of setting up restraints. As a result of his efforts, investigations of welfare applicants became a requirement. This set the preachers, the civil rights organizations, and other pressure groups afire. The liberal Senator from West Virginia became the target of their wrath.

On April 17, a young Negro woman—a native of High Point, N.C., by the way—died in a Washington hospital as a result of a pulmonary embolism (a blood clot on the lungs). A month before she died, she had received a check for \$190 from the welfare office. Three days before her death she received a check for \$80. She and her children had been on welfare virtually ever since they came to Washington. Her husband had obtained 20 jobs and lost all 20 of them because he wouldn't show up for work.

This man's wife and children, we would reiterate, were on welfare constantly. They received checks up until the time of her death. But the ministers and civil rights groups promptly seized upon the woman's death and labeled Senator BYRD as her "murderer" because of his attempts to clean up the welfare situation in Washington.

The protest rallies are still going on. There are threats now to picket the Senator's home. The liberal Washington Post gleefully reports the minute details of all of the slanders aimed at the Senator. At one rally, a woman named Fannie J. Long, whom the Washington Post described as "a Texas-born white woman," spoke at length and showered Senator BYRD with epithets.

Senator BYRD placed in the RECORD a bit of officially documented information about this Mrs. Long. She is the mother of an illegitimate child—fathered by a Negro man who was himself married to another woman at the time.

It is often true that a man can be proud of the criticism that is directed at him. We suspect that this is certainly true in the case of the Senator from West Virginia.

The VICE PRESIDENT. Is there further morning business?

EXCHANGE OF CERTAIN LANDS BETWEEN THE NAVY AND THE CITY OF NORFOLK, VA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 565, H.R. 1044.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1044), to authorize the Secretary of the Navy to convey to the city of Norfolk, State of Virginia, certain lands in the city of Norfolk, State of Virginia, in exchange for certain other lands.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, reserving the right to object, and I shall not object, I wish to state that this bill does not violate the Morse formula. It involves a land exchange. If Senators will turn to the first page of the report, it reads:

The purpose of this bill is to authorize the Secretary of the Navy, or his designee, to convey to the city of Norfolk, Va., all of the interests, with improvements, held by the United States in and to a certain parcel of property identified in the bill by metes and bounds description. In consideration of such conveyance the city of Norfolk would be required to convey to the United States a certain parcel of property, together with improvements, including buildings thereon, acceptable to the Secretary of the Navy.

Page 2 of the report continues:

The Navy has informed the city in detail as to the kind and size of the structure which must be built by the city. It is estimated that the structure will cost \$136,000. The land on which the structure will be built will be about three times the size of the present Navy tract. Together the land and building will have a value of approximately \$180,000 which is twice the value of the property to be conveyed to the city by the Navy.

Therefore, the bill does not, obviously, violate the Morse formula.

I want to thank the author of the bill and the committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that extracts from the report be printed in the RECORD.

There being no objection, the extracts (Rept. No. 582) were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to authorize the Secretary of the Navy, or his designee, to convey to the city of Norfolk, Va., all of the interests, with improvements, held by the United States in and to a certain parcel of property identified in the bill by metes and bounds description. In consideration of such conveyance the city of Norfolk would be required to convey to the United States a certain parcel of property, together with improvements, including buildings thereon, acceptable to the Secretary of the Navy.

BACKGROUND OF THE BILL

The present Navy property to be conveyed to the city is used as a naval shore patrol headquarters, located in an area of urban renewal on property which the local planning agency seeks for redevelopment purposes. In order to accommodate the Navy's need for a shore patrol headquarters in the same general area, and at the same time to effect its renewal schemes, the local authorities have urged the contemplated exchange, and have undertaken to provide a new structure, ac-

ceptable to the Navy, on the land to be conveyed to the Navy.

The existing shore patrol building, constructed in 1929 on 0.308 acre of land, is a two-story garage-type building of tile, reinforced concrete, brick, and steel, containing 20,196 square feet of floor space. It was acquired by the Government through condemnation proceedings in 1943 at a cost of \$45,000 and was converted to Navy use at that time at a further cost of \$55,000.

It was appraised by the Navy in July at \$20,640 land value plus \$65,535 depreciated value of improvements. The present value is estimated to exceed the 1960 appraisal due to enhancement of property values in the redevelopment area.

The Navy has informed the city in detail as to the kind and size of the structure which must be built by the city. It is estimated that the structure will cost \$136,000. The land on which the structure will be built will be about three times the size of the present Navy tract. Together the land and building will have a value of approximately \$180,000 which is twice the value of the property to be conveyed to the city by the Navy.

Note is made of the fact that no federally owned land is available for a naval shore patrol headquarters in the area in which it is needed, and therefore the land to be conveyed by the city of Norfolk will be necessary to meet the Navy's requirements.

MISCELLANEOUS DATA

The Government's interests are fully protected. It has not yet been decided between the city of Norfolk and the United States as to exactly what area in the city will best satisfy the mutual interests of the two parties as a location for the naval shore patrol headquarters. This measure is so drawn as to permit the selection of the site to be made in studied fashion and to assure that the Navy need not take a conveyance encumbered by any conditions not deemed acceptable to it.

It is apparent that the Navy will profit by this exchange through the obtaining of more adequate modern quarters, the value of which will exceed that of the property given in exchange.

FISCAL DATA

Enactment of this bill into law will not involve the expenditure of any Federal funds.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 630, Senate bill 2092.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2092), to amend the Agricultural Marketing Agreement Act of 1937, to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6) (I) of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937) (7 U.S.C. 608c(6) (I)) is amended by inserting a comma and the following: "celery, sweet corn, limes, or avocados" immediately after "applicable to cherries".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 648), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would amend the marketing agreement law to permit inclusion of provisions for paid advertising in marketing orders applicable to celery, sweet corn, limes, or avocados. This authority is already authorized for cherry marketing orders.

Subsequent to the receipt of a favorable report from the Department of Agriculture on this bill, the committee received a proposal that milk should be added to the commodities covered by the bill. Marketing orders for milk are substantially different from marketing orders applicable to other commodities, and the inclusion of advertising authority would therefore present a somewhat different situation for milk. The committee felt that further study should be given to the proposal to include milk and therefore does not recommend its inclusion in the bill at this time.

THE FUTURE OF OCEANOGRAPHY

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a fine editorial published in the Seattle Times on August 23, 1965, entitled "The Oceans' Importance."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE OCEANS' IMPORTANCE

While Uncle Sam is spending 40 billion or more dollars to explore the arid wastelands of the Moon, he will be guilty of neglect if he does not show equal concern for exploring the Earth's oceans.

By equal concern we do not mean equal expenditure of the taxpayers' money. No one is proposing that \$40 billion be spent in the next few years to look into the depths, although we suspect that the ultimate national interest might be further advanced if the appropriations for moon and for ocean research were indeed reversed.

What we do strongly indorse is Senator MAGNUSON's bill to create a national oceanographic council comparable to the National Aeronautics and Space Administration and the Atomic Energy Commission. The bill passed the Senate, almost unanimously, earlier this month.

A cogent appeal for stronger local support of the measure was made last week before members of the Seattle Area Industrial Council by Dr. Dixy Lee Ray, director of the Pacific Science Center.

As Dr. Ray pointed out, a strong oceanographic program is not only vital to the Nation, but could be of great importance locally, Seattle—with its marine environment and growing scientific community—being a logical place for many of the activities of the proposed oceanographic council.

Two channels of action are indicated: A strong push must be made to obtain passage of the Magnuson bill or some similar measure in the House of Representatives. The legis-

Sept. 7, 1965

1. MARKETING ORDERS. Passed with an amendment H. R. 10206, to permit the continuation of container and pack requirements under existing marketing agreements and orders even when the price of the affected commodity is above parity, and to permit provisions for marketing research and development programs, including advertising, to be incorporated into marketing agreements and orders for carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, or avocados. Agreed to an amendment by Rep. de la Garza to strike out a provision of the bill which would have permitted the development of a marketing agreement or order for onions for canning or freezing. p. 22105
12. MILITARY CONSTRUCTION. By a vote of 347 to 0, passed under suspension of the rules H. R. 10775, the military construction authorization bill which includes an item for payment of CCC for certain family housing which was financed from the sale of surplus commodities (pp. 22116-35). By a vote of 320 to 19, tabled a motion by Rep. Hall to consider the President's veto of H. R. 8439, the military construction authorization bill passed earlier this session (pp. 22115-6).
13. RECLAMATION. Passed with amendment S. 602, to amend the Small Reclamation Projects Act of 1956, after substituting the language of a similar bill, H. R. 4851, which had been passed earlier under suspension of the rules. H. R. 4851 was tabled. This bill includes a provision extending the Small Reclamation Projects Act to all 50 States (instead of the seventeen western reclamation States). pp. 22154-7
14. ORGANIZATION; PERSONNEL. Passed without amendment H. R. 10104, to enact title 5, U. S. Code, "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Federal Government and to its civilian employees. p. 22109
15. COPYRIGHTS. Passed under suspension of the rules H. R. 2853, to increase the fees payable to the Copyright Office so as to produce a more appropriate ratio between receipts and expenditures of the Office. pp. 22164-5
16. COTTON. Reps. Whitener, Cooley, Ashmore, and Fountain criticized the cotton provisions of the farm bill reported by the Senate Agriculture and Forestry Committee which would provide for a "two price cotton system." pp. 22172-5
17. MILK; MARKETING ORDERS. Rep. Horton spoke in support of his bill, H. R. 6081, to provide authority for dairy farmers in a Federal milk marketing order to use their own funds to support promotion, advertising, and research of milk and dairy products, and stated that he had written Secretary Freeman urging his support of the bill. pp. 22176-7
18. FOREIGN AID. Rep. Matsunaga commended the participation of private enterprise in the foreign aid program, including assistance in the establishment of agricultural credit banks and the establishment of an electric cooperative in Santo Domingo. pp. 22171-2
Rep. Ford recommended that the President "appeal to leaders of India and Pakistan to halt the fighting or be denied U. S. economic assistance." p. 22177
19. WATER RESOURCES. Rep. Johnson, Calif., commended and inserted the President's remarks in approving H. R. 485, to authorize construction of the Auburn-Folsom south unit of the Central Valley project, Calif. pp. 22179-80
20. 4-H CLUBS. Rep. Natcher commended the work of the 4-H Clubs. p. 22180

21. DATA PROCESSING. Rep. Fascell spoke in support of H. R. 4845, to authorize GSA to coordinate and provide for the procurement, maintenance, and utilization of data processing equipment by Federal agencies. pp. 22182-3
22. WATERSHEDS. A subcommittee of the Public Works Committee approved plans for works of improvement on the following watersheds: Choccolocco Creek, Ala.; Little Clear Creek, Ark.; Upper Choptank River, Del. and Md.; Grive River, Ga., South Fork Broad River, Ga.; Busseron, Ind. (supplemental); Little Raccoon Creek, Ind.; Timber Creek, Kan.; Suasco, Mass. (supplemental); Tamarac River, Minn.; Quapaw Creek, Okla.; Rock Creek, Okla.; Duck Creek, Tex.; and Cherry-stone, Va. p. D891
23. LEGISLATIVE PROGRAM. Rep. Moss stated that the Foreign Service Act amendments bill will be considered Thurs. after disposition of the foreign aid appropriation bill. p. 22166

ITEMS IN APPENDIX

24. APPROPRIATIONS; FOREIGN AID. Extension of remarks of Rep. Mahon inserting tables showing foreign assistance funds available for obligation for the fiscal years 1957-66. p. A5011
25. WATER RESOURCES. Rep. Wright inserted Rep. Blatnik's address on the problems of effectively utilizing our water resources. pp. A5016-7
26. BALANCE OF PAYMENTS. Rep. Laird inserted a GOP task force report on Federal fiscal and monetary policy, "The Balance of Payments, The Gold Drain, and Your Dollar." pp. A5022-7
27. NATURAL RESOURCES. Extension of remarks of Rep. Edmondson commending and inserting an address by Elmer Staats before the National Rivers and Harbors Congress, "The Natural Resources Budget." pp. A5034-6

BILLS INTRODUCED

28. WHEAT. S. Res. 144, by Sen. Symington, to authorize the Foreign Relations Committee to investigate the legality of shipping restrictions on wheat; to Foreign Relations Committee. Remarks of author p. 22079
29. LIVESTOCK; MEATS. H. R. 10880 by Rep. Dow, to amend the Packers and Stockyards Act of 1921, as amended, and for other purposes; to Agriculture Committee.

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COMMITTEE HEARINGS SEPT. 8:

Sugar legislation, H. Agriculture (exec).

Northeast water shortage, S. Interior (Secretary Udall to testify).

Amendment of tariff schedules, conferees (exec) (White, FAS, to be available for questions).

Foreign aid appropriations, S. Appropriations (exec).

Study of effects of pesticides on fish and wildlife, H. Merchant Marine and Fisheries (exec).

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tion to the bill which provides a definite limitation. Perhaps someone made a mistake.

Mr. CELLER. Possibly that might be correct. I do not know.

Mr. GROSS. Mr. Speaker, I withdraw my objection.

There being no objection, the Clerk read the bill as follows:

H.R. 9877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to incorporate the American Hospital of Paris", as amended, approved January 30, 1913 (37 Stat. 654), is further amended by striking out: "Provided, That the total value of the property owned at any one time by the said corporation shall not exceed \$8,000,000."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENTS TO MARKETING AGREEMENT ACT OF 1937

The Clerk called the bill (H.R. 10206) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, it is my understanding that there will be an amendment to take out of the bill the onion marketing order. If that is the case, then I certainly would not wish to have the bill passed over.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I am glad to yield to the gentleman from Texas.

Mr. DE LA GARZA. In fact, the bill contains other matters. There were about six bills combined and the onion matter was inserted into this bill. I have an amendment prepared and have no objection to taking out that part.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, further reserving the right to object, I should like to interrogate the gentleman.

Am I correct in what I understand the bill, if passed, would do? Would it not make eligible for marketing agreements the following products: cherries, carrots, citrus fruits—not onions—Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corns, limes, and avocados?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Texas.

Mr. DE LA GARZA. No. They already have marketing agreements for those items. The bill would only allow them to advertise and assess the members of the industry through a vote and an agreement. It would let them advertise their products. That is all the bill would do. It would not create any new marketing order or marketing agreement.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, there is a provision for adver-

tising. Do I correctly understand that as a result of the provision for advertising that the industry will pay the cost?

Mr. DE LA GARZA. Yes. The members of the industry will assess themselves.

Mr. JOHNSON of Pennsylvania. The gentleman has said that they will assess themselves as growers. Would the assessment be in the nature of tax on those commodities or fruits and vegetables to the end that the ultimate consumer would have to pay upward of a 4- to 5-percent tax on those items?

Mr. DE LA GARZA. No, it will not work out in that way. This is a very small or minimum effort on the part of the growers and producers themselves. Let me assure the gentleman that all of the associations referred to relative to each one of the items which it is desired to have included have asked that this action be taken. They are unanimous in requesting that this be done.

Also this does not apply to all the items that have been mentioned. Some already have them. Of necessity, the items included citrus, carrots, and all the other products named, including Tokay grapes, cherries, and pears. I think Mrs. MAY was interested in pears. As far as advertising is concerned, there would be no great overall increase in the cost of advertising that would raise the cost to the consumer or anything of that sort. It is only a small amount that the producers themselves would allow themselves to take off in order that they might advertise their particular product. That is all it is.

Mr. JOHNSON of Pennsylvania. With the understanding that the cost of the advertising will not be passed on to the ultimate consumer and added to the cost of the product, I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

H.R. 10206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(a) Section 2(3) is amended by inserting "such container and pack requirements provided in section 8(c) (6) (H)", immediately after "establish and maintain".

(b) Section 8c(2) (A) is amended by inserting "and onions" immediately after "(not including vegetables other than asparagus)".

(c) The proviso at the end of section 8c(6) (I) is amended by inserting "carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, or avocados" immediately after "applicable to cherries".

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 1, beginning on line 10, strike out all of subsection (b).

The amendment was agreed to.

(Mr. McFALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. McFALL. Mr. Speaker, I wish to

commend the gentleman from Texas [Mr. DE LA GARZA] for sponsoring the needed legislation and the gentleman from Hawaii [Mr. MATSUNAGA] for his work as subcommittee chairman in bringing it before the House. The Tokay growers in my district in California desire to have this change in their marketing order to permit them to advertise. It is permissive only for them to do if they desire. It will facilitate their marketing procedures and should result in beneficial results to both growers and consumers.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RENTAL OF FOREST SERVICE EMPLOYEES' PROPERTY

The Clerk called the bill (S. 1689) to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502).

There being no objection, the Clerk read the bill, as follows:

S. 1689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of the Act of March 4, 1913, as amended by the Act of January 31, 1931 (16 U.S.C. 502), is amended to read as follows: "(a) To hire or rent property from employees of the Forest Service for the use of that Service, whenever the public interest will be promoted thereby: Provided, That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed \$20,000 in any one year."

With the following committee amendment.

On page 1, beginning on line 8, strike out the colon and the proviso through page 2, line 2, and insert: "As soon as practicable after the end of each fiscal year the Secretary shall transmit to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a statement of rentals under the authority of this subsection during the fiscal year."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION OF LANDS WITHIN THE UINTA NATIONAL FOREST, UTAH

The Clerk called the bill (S. 1764) to authorize the acquisition of certain lands within the boundaries of the Uinta National Forest in the State of Utah, by the Secretary of Agriculture.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I should like to interrogate one of the chief sponsors of this bill. I should like to have an explanation of the bill.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PRESERVATION OF RETIREMENT AND INSURANCE BENEFITS FOR HOLDERS OF CONGRESSIONAL STAFF FELLOWSHIPS

The Clerk called the bill (H.R. 10553) to preserve the benefits of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959 for congressional employees receiving certain congressional staff fellowships.

Mr. GROSS. Mr. Speaker, perhaps we should have an explanation of this bill.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EXTENDING FOR 2 YEARS THE EXISTING AUTHORITY FOR THE ERECTION IN THE DISTRICT OF COLUMBIA OF A MEMORIAL TO MARY MCLEOD BETHUNE

The Clerk called the Joint Resolution (S.J. Res. 89) extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

There being no objection, the Clerk read the joint resolution, as follows:

S.J. RES. 89

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective June 1, 1965, the last sentence of the joint resolution entitled "Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune", approved June 1, 1960 (74 Stat. 154), is amended by striking out "within five years" and inserting in lieu thereof "within seven years".

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE DISPOSITION OF JUDGMENT FUNDS OF THE KLAMATH AND MODOC TRIBES AND YAHOSKIN BAND OF SNAKE INDIANS, AND FOR OTHER PURPOSES

The Clerk called the bill (S. 664) to provide for the disposition of judgment funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes.

Mr. PELLY. Mr. Speaker, at the request of a Member who could not be present today, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR THE ASSESSING OF INDIAN TRUST AND RESTRICTED LANDS WITHIN THE LUMMI INDIAN DIKING PROJECT ON THE LUMMI INDIAN RESERVATION IN THE STATE OF WASHINGTON, THROUGH A DRAINAGE AND DIKING DISTRICT FORMED UNDER THE LAWS OF THE STATE

The Clerk called the bill (H.R. 3715) to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF THE OMAHA TRIBE OF NEBRASKA, AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 8917) to provide for the disposition of funds appropriated to pay a judgment in favor of the Omaha Tribe of Nebraska, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 8917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall add to the roll of the Omaha Tribe of Nebraska, prepared pursuant to section 1 of the Act of September 14, 1961 (75 Stat. 508), the names of all children living on the date of this Act who were born after September 14, 1961, and who possess aboriginal Omaha blood of the degree of one-fourth or more: Provided, That no child who is enrolled with any other tribe of Indians shall be added to the roll under the provisions of this Act.

SEC. 2. The roll prepared pursuant to the Act of September 14, 1961, with the additions authorized by section 1 of this Act, shall constitute the membership roll of the Omaha Tribe of Nebraska as of the date of this Act, and children who are born after the date of this Act may be enrolled if they meet the requirements of article II, section 1(b) of the tribal constitution, or any amendment thereof.

SEC. 3. From the funds on deposit in the Treasury of the United States to the credit of the Omaha Tribe that were appropriated by the Act of June 9, 1964, to pay a judgment obtained by the tribe in Indian Claims Commission docket numbered 138, after deduction of attorney fees, litigation expenses, and such sums as may be required to distribute individual shares, the Secretary of the Interior shall make a per capita distribution of no more than \$270 to each person living on the date of this Act whose name appears on the roll prepared pursuant to the provisions of sections 1 of this Act. The balance of such funds and the interest thereon, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary. The amount of \$150,000 of said funds and any interest thereon shall not be distributed,

advanced, or expended until said \$150,000 and any interest thereon becomes available for disbursement pursuant to the terms of the final judgment dated April 14, 1964, by the Indian Claims Commission in docket numbered 138.

SEC. 4. Sums payable to enrollees or to their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures as the tribal governing body, with the approval of the Secretary, determines will adequately protect the best interests of such persons. Proportional shares of heirs or legatees amounting to \$5 or less shall not be distributed and such amounts shall escheat to the Omaha Tribe of Nebraska.

SEC. 5. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That from the funds on deposit in the Treasury of the United States to the credit of the Omaha Tribe of Nebraska that were appropriated by the Act of June 9, 1964, to pay a judgment obtained by the tribe in Indian Claims Commission docket numbered 138, after deduction of attorney fees, litigation expenses, and such sums as may be required to distribute individual shares, the Secretary of the Interior shall make a per capita distribution of no more than \$270 to each person living on the date of this Act whose name appears on the roll of the tribe prepared pursuant to section 1 of the Act of September 14, 1961 (75 Stat. 508), and to each child living on the date of this Act who was born after September 14, 1961, and who possesses aboriginal Omaha blood of the degree of one fourth or more except for any such child who is enrolled with any other tribe of Indians. The balance of such funds and the interest thereon, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary. The amount of \$150,000 of said funds and any interest thereon shall not be distributed, advanced or expended until said \$150,000 and any interest thereon becomes available for disbursement pursuant to the terms of the final judgment dated April 14, 1964, by the Indian Claims Commission in docket numbered 138."

The committee amendment was agreed to.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, in explanation of H.R. 8917, may I state that this is another piece of legislation to distribute judgment funds to an Indian tribe. The Omaha Tribe of Nebraska was awarded \$1¼ million by the Indian Claims Commission in its suit against the United States. Under the treaties of 1825 and 1827, the Indians ceded portions of their land holdings in Iowa and Missouri to the United States. In 1952 attorneys for the tribe filed a case in the Indian Claims Commission claiming that inadequate compensation had been made by the Government in payment for the land. In 1963 the Commission rendered a decision favorable to the Omahas and recommended payment amounting to \$1,750,000. On June 9, 1964 funds were appropriated to pay the judgment and the funds are now in the

89TH CONGRESS
1ST SESSION

H. R. 10206

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 1965

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Agricultural Adjustment Act of 1933, as amended,
4 and as reenacted and amended by the Agricultural Market-
5 ing Agreement Act of 1937, as amended, is further amended
6 as follows:

7 (a) Section 2 (3) is amended by inserting "such con-
8 tainer and pack requirements provided in section 8 (c) (6)
9 (H) ", immediately after "establish and maintain".

10 (c) The proviso at the end of section 8c (6) (I) is

1 amended by inserting: “, carrots, citrus fruits, onions, Tokay
2 grapes, fresh pears, dates, plums, nectarines, celery, sweet
3 corn, limes, or avocados” immediately after “applicable to
4 cherries”.

Passed the House of Representatives September 7, 1965.

Attest:

RALPH R. ROBERTS,

Clerk.

89TH CONGRESS
1ST Session

H. R. 10206

AN ACT

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

SEPTEMBER 8, 1965

Read twice and referred to the Committee on
Agriculture and Forestry

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
TO BE QUOTED OR CITED)

Issued Oct. 15, 1965
For actions of Oct. 14, 1965
89th-1st, No. 192

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HIGHLIGHTS: House passed supplemental appropriation bill. House passed bill to permit certain marketing orders to provide for paid advertising. Rep. Hall discussed sugar bill and inserted Secretary's statement. Rep. Langen inserted Republican task force statement on world food problem. Several Reps. introduced and Reps. Rumsfeld and Langen discussed resolutions to establish U.S. World Food Study and Coordinating Commission.

HOUSE

1. **SUPPLEMENTAL APPROPRIATION BILL.** Passed, 242-100, with amendment H. R. 11588, which includes several USDA items as noted in Digest 191. pp. 26008-46
2. **PUBLIC WORKS APPROPRIATION BILL.** Agreed to the conference report on this bill, H. R. 9220. pp. 26004-8
3. **MARKETING ORDERS.** Passed S. 2092, to permit marketing orders applicable to various fruits and vegetables to provide for paid advertising, with the language of H. R. 10206. p. 26047
4. **SUGAR.** Rep. Hall discussed the sugar bill and inserted Secretary Freeman's statement recommending changes in the bill. pp. 26050-1
5. **FOOD.** Rep. Langen inserted and discussed a statement by a Republican task force on the world food problem. pp. 26057-8

6. FISH CONSERVATION. Concurred in the Senate amendments to H. R. 23, to authorize Interior to initiate with the States a cooperative program for conservation, development, and enhancement of anadromous fish. This bill will now be sent to the President. p. 26047
7. COMMITTEE ASSIGNMENT. Rep. Staggers resigned from the Post Office and Civil Service Committee. p. 26053
8. POVERTY. Rep. Cleveland criticized administration of the poverty program. pp. 26073-5
9. PUBLIC LANDS. Rep. Reuss objected to erection of fences on Bureau of Land Management lands, saying this hampers wildlife. pp. 26092-4
10. FOREIGN TRADE. Received a report from the Government Operations Committee reviewing the market promotion activity of the Foreign Agricultural Service (H. Rept. 1165). p. 26095
11. PURCHASING. The Government Operations Committee reported with amendment S. 1007 to make Title III of the Federal Property and Administrative Services Act applicable to procurement of property and nonpersonal services by executive agencies (H. Rept. 1166). p. 26095
12. WATERSHEDS. The Agriculture Committee voted to report favorably various watershed projects. p. D1025
13. LEGISLATIVE PROGRAM. Rep. Albert said the Consent Calendar and several suspensions will be considered Mon., Oct. 18. p. 26046
14. ADJOURNED until Mon., Oct. 18. p. 26095

ITEMS IN APPENDIX

15. SCHOOL LUNCH. Extension of remarks of Rep. Schmidhauser on the "great importance of the school lunch program." pp. A5787-88
16. RESEARCH. Extension of remarks of Rep. Brooks inserting an article in support of the establishment of the President's Advisory Staff on Scientific Information Management." pp. A5788-89
17. VOTING RECORD. Extension of remarks of Reps. Pike and Cameron inserting their voting records. pp. A5792-95, A5817-19
18. RECLAMATION. Extension of remarks of Rep. Rivers, Alaska, criticizing Rep. Pelly's opposition to the proposed Rampart Canyon Dam and stating that the time is not right "to prejudge and condemn the project." p. A5798
19. TOBACCO. Extension of remarks of Rep. Krebs inserting an article regarding the development of a "non-tobacco" cigarette. p. A5800
20. FOOD. Extension of remarks of Rep. Todd stating that greater emphasis should be put on agricultural assistance by U.S. and other nations to the underfed parts of the world and inserting an article on the subject. pp. A5812-13
21. WATER POLLUTION. Extension of remarks of Rep. King, N.Y., inserting an article expressing concern about the pure water program. p. A5815

COOPERATIVE PROGRAM FOR CONSERVATION, DEVELOPMENT, AND ENHANCEMENT OF ANADROMOUS FISH

MR. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 23) to authorize the Secretary of the Interior to initiate with the several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 4, strike out "primarily".

Page 5, strike out lines 8, 9, and 10, and insert:

"(b) Not more than \$1,000,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State."

Page 5, strike out lines 11, 12, and 13, and insert:

"Sec. 5. This Act shall not be construed to affect, modify, or apply to the same area as the provisions of the Act of May 11, 1938 (52 Stat. 345), as amended (16 U.S.C. 755-757)."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

MR. PELLY. Mr. Speaker, reserving the right to object, I believe it would be well if the distinguished gentleman from Michigan would indicate that this is the bill as it passed the House, with three minor amendments, and perhaps the gentleman would be willing to explain the nature of the amendment put in by the Senate.

I believe on our side we feel these amendments make a better bill. This has been cleared with the minority leader and has our approval.

MR. DINGELL. Mr. Speaker, will the gentleman yield?

MR. PELLY. I yield to the gentleman from Michigan.

MR. DINGELL. I would be happy to comply with the gentleman's request.

MR. Speaker, I would like again to commend my good friend, the gentleman from Washington [Mr. PELLY], for his very great help and his interest in this fine piece of legislation.

MR. Speaker, the first amendment authorized by the Senate is perhaps the most important of the three, although all three are in the nature of technical amendments.

This amendment limits the amount which may be received by any particular State in one year to the sum of \$1 million, although allowing, as does the House bill, any State to receive the sum of \$5 million over the life of the program which is 5 years in length.

MR. Speaker, the other two amendments are really technical amendments. The second amendment simply says that the bill does not apply to the area to which the Columbia River salmon program had applied, but it says it in a little different way than the House language did. It appears to be technically, perhaps, a little better than the House

language and I think it should be acceptable to the House.

MR. Speaker, the other amendment is a very small item, striking the word "primarily" on page 2, line 4, of the House bill. I have to be frank with my colleagues in the House and say that I really cannot answer exactly what the purpose of this amendment is, but in the interest of expediting this legislation it would be well to accept the Senate amendment. Since this last amendment does very little, if anything as I can see it, I think it should be approved.

MR. PELLY. Mr. Speaker, I thank the gentleman for his explanation.

MR. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

MR. PELLY. I yield to the gentleman from California.

(MR. DON H. CLAUSEN asked and was given permission to revise and extend his remarks.)

MR. DON H. CLAUSEN. Mr. Speaker, I rise in support of the legislation and wish to join in commending both the gentleman from Michigan [Mr. DINGELL] and the gentleman from Washington [Mr. PELLY] for advancing this most important legislation.

MR. Speaker, this is important legislation to those of us who live on the west coast and around the Great Lakes area and we are indebted to these gentlemen for their leadership.

In addition to this, of course, Mr. Speaker, the fact that the Senate now has offered its position and we are concurring therein, it will then permit the States themselves to move forward in enhancing a very valuable resource of this Nation.

MR. DINGELL. Mr. Speaker, I want to commend the gentleman from California [Mr. DON H. CLAUSEN] for his fine work and his interest in this matter and thank him again for his fine comments.

MR. PELLY. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO ALLOW THE VIEWING OF THE U.S. INFORMATION AGENCY FILM "ADLAI STEVENSON THE AMBASSADOR"

MR. YATES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 61) to allow the viewing of the U.S. Information Agency film "Adlai Stevenson the Ambassador" at the Auditorium Theater in Chicago, Ill., on or about October 24, 1965.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. YATES]?

MR. HALL. Mr. Speaker, I object.

AMENDMENT TO AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

MR. DE LA GARZA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2092) to amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the bill, as follows:

S. 2092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6) (I) of the Agricultural Adjustment Act (reenacted by the Agricultural Marketing Agreement Act of 1937) (7 U.S.C. 608c(6) (I)) is amended by inserting a comma and the following: "celery, sweet corn, limes, or avocados" immediately after "applicable to cherries."

MR. DE LA GARZA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by MR. DE LA GARZA: Strike out all after the enacting clause of the bill S. 2092, and insert the provisions of H.R. 10206, as passed by the House.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

MR. DE LA GARZA. Mr. Speaker, I offer an amendment to the title of the bill.

The Clerk read as follows:

Amendment offered by MR. DE LA GARZA: Amend the title so as to read: "A bill to amend the Agricultural Marketing Act of 1937 to permit marketing orders applicable to various fruits and vegetables to provide for paid advertising."

The amendment was agreed to.

A motion to reconsider was laid on the table.

OGO-II

(MR. MILLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. MILLER. Mr. Speaker, it is my pleasure to inform the House of the successful launching this morning of this Nation's second Orbiting Geophysical Observatory—OGO-II. The launch was from the western test range, Vandenberg AFB, Calif., into a polar orbit, and the spacecraft is turning in a nominal performance.

This is a most important scientific satellite. The public notice given our manned space flights sometimes tend to obscure the very great unmanned scientific achievements that the National Aeronautics and Space Administration keeps accumulating. This spacecraft carries 20 different scientific experiments, which were contributed by 11 American universities, 1 foreign university—University of Paris—2 NASA field centers, and 2 other Government agencies.

One of the objectives of OGO-II is the global mapping of the geomagnetic field as part of the United States commitment to the International Year of the Quiet Sun. The overall mission, to which all the experiments are geared, is to concentrate on near-earth space phenomena. The final earth stabilization and experiment turn-on are planned for later today.

OGO is a very strange-looking craft. Its mosquito-like appearance is the result of deployed booms, antennas, attitude control jets and solar panels attached to its rectangular, box-shaped main body. It is one of the most advanced unmanned satellites ever developed. As chairman of the Committee on Science and Astronautics I congratulate NASA on OGO's progress so far, and offer my best wishes for successful competition of the mission.

THE TELEPHONE HATE NETWORK

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. ROSENTHAL. Mr. Speaker, many recent reports have called attention to the increasing use of slanderous recorded telephone messages which abuse many respected organizations and individuals. Targets of these messages, sponsored I understand by an outfit called Let Freedom Ring, have included the Peace Corps, the National Council of Churches, civil rights organizations, and most recently the National Congress of Parents and Teachers. Dial 444-2213 in Denver, it is reported, and you can hear a voice tell you that the PTA is a left-wing organization which is promoting a "complete federalization of the schools in the Russian manner." The recording lets us know that members of the PTA are "sheep to be shorn by the Socialist or pro-Communist PTA national leadership." Such is the style and substance of Let Freedom Ring.

The nature and focus of this program has recently been documented in an enlightened article by Mr. Lawrence Peirez for the bulletin of the Antidefamation League of B'nai B'rith. I include this article in the RECORD at the conclusion of my remarks.

The use of this slanderous device is growing rapidly. There are presently reports of telephone recordings of this nature in six States. The Let Freedom Ring organization, with its strong connection to the John Birch Society, is making strong moves to extend its influence and exposure. Its distorted use of half-truth and innuendo is confusing many of our citizens who are unaware of the background and sponsorship of these messages.

Something must be done about this extremist idiocy whose means of public discourse are libel, slander, and distortion.

For some time, I have been investigating remedies for bringing these telephone messages under some sort of control and clarification. I am convinced that we must act to offset the dangerous impact

of these recordings on confused citizens, and to insulate the slandered institutions from the bitter results of these blind attacks.

I am today submitting legislation designed to require disclosure of the source and sponsor of these messages in the actual text of the telephone recordings. My bill will make unlawful the transmission over a telephone system of any recorded message not identifying the subscriber through whose phone such a message was transmitted. Telephone companies would be under responsibility to secure the name of the sponsor of all recorded telephone messages. Moreover, the telephone companies would be required to maintain on file both the identification of these subscribers and the actual transcript of the message. These would be available for public scrutiny. Violations of these provisions would be punished by a fine of up to \$10,000 or imprisonment not to exceed 1 year, or both.

Let me say that I am aware of the complicated legal context in which such action is to be considered. The recent Supreme Court decisions in *New York Times v. Sullivan*, 376 U.S. 254 (1954) and *Garrison v. Louisiana*, 379 U.S. 64 (1964) make it clear that the interest of society in unrestricted debate and discussion of public matters outweighs the offended party's need for self-protection. The Court rules that only if such attacks were made with "actual malice," defined as knowledge of the attacks' falsity, could an action for defamation be maintained. I share the Court's commitment in these decisions, as I do the judgment that "actual malice" would require determinations largely incapable of non-controversial definition. We are not about to seek a way to censorship. Clearly we must do all in our power to protect and stimulate public discussion of public matters, regardless of any displeasure over the substance of some of that discussion.

My bill, however, does not involve criminal libel legislation. It attempts to serve the principle of open public discourse as well as the protection of parties under slanderous attack.

By requiring that the actual sponsor of such messages be so designated in the text of their message, my bill serves the same function as the provision that paid political announcements on radio and television carry an identification of their sponsorship and origin. The disclosure requirement furthers the goals of enlightened discourse by helping the citizenry evaluate the merits of these messages through knowledge of their source. It likewise protects the attacked party from the dangerous inferences that these messages may have responsible or respectable origin.

Such a disclosure requirement, finally, is well within the Congress commerce power. The Federal Communications Commission is likewise charged by 47 U.S.C. 201 with regulating the industry in the public interest. I am anxious that this legislation be passed at the earliest date. These phone recordings must be brought under proper democratic control in the interest of healthy public

discourse and protection of responsible institutions from vicious slander.

Mr. Peirez' article follows:

THE TELEPHONE HATE NETWORK (By Lawrence Peirez)

(NOTE.—This article is based on a report of the Antidefamation League's Fact Finding Committee of which Mr. Peirez is chairman.)

The most unique voice of the radical right movement is quiet, recorded, and available at any hour of the day or night. To hear it, and the 90-second sermon of fear it calls a patriotic message, people in some 30 or more cities throughout the country have only to pick up their phones and dial an unlisted, but well-publicized number.

The name of the propaganda operation is Let Freedom Ring. It is the creation of William C. Douglass, a Sarasota, Fla., physician who is active in behalf of many right-wing causes, and is a member of the John Birch Society.

According to Dr. Douglass, Let Freedom Ring is a nonprofit organization established to disseminate "anti-Communist, anti-Socialist, pro-American broadcasts via a telephone tape recording."

What it actually broadcasts is the radical right line—a Communist conspiracy lurks behind the fight for civil rights, the United Nations, the Supreme Court, the State Department, the last three Presidents of the United States, the press, and even such groups as the National Council of Churches, the American Civil Liberties Union, and the Antidefamation League.

Included among LFR messages:

"America will soon be in a position of hopeless military inferiority to the beasts of Russia because of deliberate disarmament by traitors in the Johnson administration.

"At the forefront in this vicious campaign against American patriots are the Communist press and the Antidefamation League. * * *

"Another factor ignored by the press is that the Communist-lining National Council of Churches is openly promoting bloodshed through armed revolution by Negroes. * * *

"It's likely that those three civil rights workers in Mississippi were kidnapped and murdered by their own kind to drum up sympathy for their cause."

Earlier messages attacked the Kennedy administration:

"How long will the American people put up with treason right in the White House itself? How long before the American people demand the impeachment of John F. Kennedy?"

"The Civil Rights Act will * * * turn America into a Fascist state practically overnight. * * * No business; no church; no club, public or private, would be free of the evil smell of BOBBY KENNEDY's marshals and spies."

Let Freedom Ring operates out of a Sarasota post office number. After less than 3 years in business, its network includes major cities across the Nation and a dozen additional franchise applications are pending.

Callers hear a new message each week, supplied by Dr. Douglass to local outlets which pay \$24 for the first year of the service and \$12 thereafter. The messages are recorded on tape and play automatically through Bell Telephone automatic announcement service equipment—to anyone who dials the advertised number. The equipment is rented from the telephone company at a cost varying from \$20 to \$45 monthly. All arrangements are made and paid for by the local Let Freedom Ring subscriber.

Much Let Freedom Ring material follows the Birch line. It is therefore not surprising that the operation has been recommended by Robert Welch, founder of the John Birch Society, as a worthwhile interest

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HIGHLIGHTS: Senate committee voted to report sugar bill. House passed hurricane relief bill. Senate passed bill to permit certain marketing orders to provide for paid advertising. Rep. Hall spoke favoring his cropland-restoration bill.

HOUSE

1. DISASTER RELIEF. Passed under suspension of the rules H. R. 11539, to provide assistance to Fla., La., and Miss. for the reconstruction of areas damaged by the recent hurricane. The bill includes a provision for cancellation or waiver of interest due on certain Farmers Home Administration loans. pp. 26219-26, 26261-2
2. RIVERS-HARBORS; FLOOD CONTROL. Received the conference report on S. 2300, the rivers-and-harbors and flood-control bill (H. Rept. 1170). pp. 26200-9
3. WATERSHEDS. Received notices of approval of certain watershed projects by the Agriculture and Public Works Committees. p. 26210
Rep. Grover commended the watershed program. pp. 26262-3
4. TARIFF. Passed under suspension of the rules H. R. 6568, to amend the Tariff Act

of 1930 to make permanent the existing temporary suspension of duty on copra, palm nuts, and palm-nut kernels, and the oils crushed therefrom. pp. 26216-9

5. WILDLIFE. Passed under suspension of the rules H. R. 9424, to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to administration by the Interior Department of the National Wildlife Refuge System; etc. pp. 26226-30, 26279
6. ADMINISTRATIVE LAW. Passed under suspension of the rules S. 1758, to provide for the right of persons to be represented in matters before Federal agencies. pp. 26230-2
7. REPORTS. Passed under suspension of the rules S. 2150, to discontinue or modify certain reports required by law. The bill discontinues the requirements for reports on tort claims, Puerto Rican relief loans, and farm housing needs. pp. 26233-5, 26279
8. PURCHASING. Passed under suspension of the rules S. 1004, to make title III of the Federal Property and Administrative Services Act directly applicable to procurement of property and nonpersonal services by executive agencies. pp. 26235-7
9. WATER CONSERVATION. Rep. Vigorito inserted an article, "Water Conservation Efforts: Washington Takes a Hand." p. 26251
10. CROPLAND RESTORATION. Rep. Hall spoke in support of his bill, H. R. 7184, to provide for cropland restoration. pp. 26256-7
11. MONETARY REFORM. Rep. Curtis inserted an article by Roy L. Reiersen, "Some Thoughts on International Monetary Reform." pp. 26263-7

SENATE

12. SUGAR. The "Daily Digest" states that the Finance Committee voted to report (but did not actually report) "with an amendment in the nature of a substitute bill," H. R. 11135, the sugar bill, and that "as approved by the committee, the bill would embody an amended version of S. 2567, the administration's proposal." p. D1032
13. LUMBER. Passed without amendment H. R. 10198, to amend the requirements relating to lumber under the Shipping Act, 1916, so as to restore the tariff filing requirements with respect to ocean shipments of hardwood lumber. This bill will now be sent to the President. p. 26304
14. MARKETING ORDERS. Concurred with an amendment (to include olives and pecans) to the House amendment to S. 2092, to permit inclusion of provisions for paid advertising in marketing orders applicable to celery, sweet corn, limes, or avocados. pp. 26295-96
15. VETERANS' AFFAIRS. Sen. Yarborough urged passage of the cold war GI bill and inserted a supporting article. pp. 26296-98

and said, "We are just wounded and will be back in combat soon."

The practice is that if they are seriously and permanently disabled, they are sent back to their homes as soon as possible. If they are slightly injured, then, while the extremists are denouncing the fighting, they are sent back to their units, and they continue to fight. As the chairman of our committee stated, it is too late to say that we should not have gone there in 1954, because we are now there, and we have every reason to be proud of the conduct of our soldiers there.

I assure my colleagues that the morale of our soldiers in Vietnam is not being disturbed in the least by what a few extremists in this country may be saying or doing.

AMERICAN VIETNAM PROTESTERS PROLONG VIETNAM WAR

Mr. PROXMIER. Mr. President, if the Bill of Rights—the very heart of this democracy of ours—is to mean something, the right to protest must be preserved, even when that protest contradicts what most of us regard as our country's clear interest.

The right of protest is feeble and empty if it must confine itself to matters that concern us little, or on which the Nation's vital interests are not touched.

It is only when the protest offends us and seems to strike at our country's deepest purposes that the meaning of our Bill of Rights—the right to disagree and protest in this democracy—is really tested.

Thus, Mr. President, while I vehemently disagree with the protests against our Vietnam policy, while I am convinced that they are woefully in error, and while I am convinced that they do our cause in Vietnam a grievous disservice, nevertheless where they are lawful and non-violent, they are in accordance with the essence of our free democracy—the Bill of Rights.

Mr. President in an article published in the New York Times this morning, James Reston points out that one of the supreme ironies of recent years is that these protesters are inadvertently working against all the things they want, and are creating all the things they fear the most.

They are not promoting peace, because if there is any hope remaining in the hearts of the Vietcong and their leaders in Hanoi and Peiping, it is the distant wish that somehow the American people disapprove the Vietnam war and will make their disapproval felt, reverse our Vietnam policies and call our troops home.

It is this wish—this gross misreading of the attitude of the American people—which more than anything else is keeping the war going, in spite of our immense power superiority and our solid military victories. It is this which is preventing peace.

And what is fostering the wish that keeps war going but the protests of the so-called peace marchers themselves?

As Reston says, they are not persuading the President or the Congress,

but deceiving Ho Chi Minh and General Giap into prolonging it.

Mr. President, the President of the United States has clearly and carefully spoken his desire for peace and negotiations, not once, but many times. This country's leaders want peace, and any protester who can read must in his heart know that.

If these peace marchers want peace, the best contribution they can make is to address their plea to the Communists. Let the Communists know that this country is ready to negotiate and that this country will keep on a massive military pressure until they negotiate; but let the Communists know that even the peace groups in this country now recognize that if peace is to be had in southeast Asia, it will never come from an American surrender, but from a Communist recognition of the reality of military power and a Communist recognition of the absolute determination of this country to pay whatever price is necessary to keep our commitment to South Vietnam.

I ask unanimous consent that the article to which I have referred by James Reston in today's New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON: THE STUPIDITY OF INTELLIGENCE (By James Reston)

WASHINGTON, October 16.—It is not easy, but let us assume that all the student demonstrators against the war in Vietnam are everything they say they are: sincerely for an honorable peace; troubled by the bombing of the civil population of both North and South Vietnam; genuinely afraid that we may be trapped into a hopeless war with China; and worried about the power of the President and the Pentagon and the pugnacious bawling patriotism of many influential men in the Congress.

A case can be made for it. In a world of accidents and nuclear weapons and damn fools, even a dreaming pacifist has to be answered. And men who want peace, defy the Government, and demonstrate for the support of the Congress, are not only within their rights but must be heard.

THE PARADOX

The trouble is that they are inadvertently working against all the things they want, and creating all the things they fear the most. They are not promoting peace but postponing it. They are not persuading the President or the Congress to end the war, but deceiving Ho Chi Minh and General Giap into prolonging it. They are not proving the superior wisdom of the university community but unfortunately bringing it into serious question.

When President Johnson was stubbornly refusing to define his war aims in Vietnam, and rejecting all thought of a negotiated settlement, the student objectors had a point, and many of us here in the Washington press corps and the Washington political community supported them, but they are now out of date. They are making news, but they are not making sense.

HEART OF THE PROBLEM

The problem of peace now lies not in Washington but in Hanoi, and probably the most reliable source of information in the Western World about what is going on there is the Canadian representative on the Vietnam International Control Commission, Blair Seaborn.

He flies regularly to the North Vietnamese capital with the Polish and Indian members of that Commission, and he is personally in favor of an honorable negotiated peace in Vietnam. He is a cultivated man and a professional diplomat. He knows all the mistakes we have made, probably in more detail than all the professors in all the teaching in all the universities of this country. What he finds in Hanoi, however, is a total misconception of American policy, and, particularly, a powerful conviction among Communist officials there that the antiwar demonstrations and editorials in the United States will force the American Government to give up the fight.

Not even the conscientious objectors on the picket lines in this country really believe that they have the power or the support to bring about any such result, but Hanoi apparently believes it and for an interesting reason.

Ho Chi Minh and the other Communist leaders in Hanoi remember that they defeated the French in Vietnam between 1950 and 1953 at least partly because of opposition to the Vietnam war inside France. The Communists won the propaganda battle in Paris before they won the military battle at Dienbienphu.

COUNTING ON PROTEST

Now they think they see the same surge of protest working against the Government in Washington, no matter what Mr. Seaborn says to the contrary. They have not been able to challenge American air, naval, or even ground power effectively since midsummer in South Vietnam, but they apparently still have the hope that the demonstrations against the Johnson administration in the United States will, in the end, give them the victory they cannot achieve on the battlefield.

So the Communists reject the negotiations the demonstrators in the United States want. They reject the negotiations the American Government has offered, and the demonstrators are protesting, not against the nation that is continuing the war but against their own country that is offering to make peace.

Not surprisingly, this is creating an ugly situation here in Washington. Instead of winning allies in the Congress to change the Johnson policy, the demonstrators are encouraging the very war psychology they denounce.

WRONG OBJECTIVES

Senator STENNIS of Mississippi, chairman of the Senate Preparedness Subcommittee, is now demanding that the administration pull up the antidraft movement "by the roots and grind it to bits."

Honest conscientious objectors are being confused with unconscientious objectors, hangers-on, intellectual graduate school draft dodgers and rent-a-crown boobs who will demonstrate for or against anything. And the universities and the Government's policy are being hurt in the process.

So there are now all kinds of investigations going on or being planned to find out who and what are behind all these demonstrations on the campuses. It is a paradoxical situation, for it is working not for intelligent objective analysis of the problem, which the university community of the Nation is supposed to represent, not for peace, which the demonstrators are demanding, but in both cases for precisely the opposite.

AMENDMENT OF AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2092) to amend the Agricul-

tural Marketing Agreement Act of 1937 to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising, which were, to strike out all after the enacting clause and insert:

That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(a) Section 2(3) is amended by inserting "such container and pack requirements provided in section 8(c)(6)(H)", immediately after "establish and maintain".

(c) The proviso at the end of section 8(c)(I) is amended by inserting: ", carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, or avocados" immediately after "applicable to cherries".

And to amend the title so as to read: "An Act to amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to various fruits and vegetables to provide for paid advertising."

Mr. HOLLAND. Mr. President, S. 2092, was passed by the Senate some time ago. It went over to the House and was amended by the House. That amendment is contained in the message from the House.

I shall ask that the House amendment be concurred in as amended by an amendment which I send to the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 11, after "limes," insert "olives, pecans,".

Mr. HOLLAND. Mr. President, S. 2092, as passed by the Senate, would permit marketing orders applicable to celery, sweet corn, limes, or avocados to include provisions for paid advertising.

This bill was introduced by me at the request of the Florida Fruit & Vegetable Association. It covers products which are produced in Florida, as elsewhere, and simply refers to marketing agreements.

The House amendment extends the Senate provision to the following additional fruits and vegetables: carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, and nectarines. The House amendment also authorizes the container and pack requirements of marketing orders to be effective when the price of the commodity is above parity. The present law does not permit that except when the price is below parity.

The amendment I am offering to the House amendment would add olives and pecans to the commodities covered by the bill.

The distinguished Senator from Georgia [Mr. TALMADGE] requested, on behalf of pecan producers of his State and elsewhere, that that commodity be added. The distinguished Senator from California [Mr. KUCHEL] requested on behalf of the olive producers in his State that that commodity also be added to this bill.

The Department of Agriculture has advised informally that it has no objection to the inclusion of olives and pecans in the bill, and so far as we have been able to determine there is no objection

in the House. The bill merely provides authority which may be used if the Secretary finds that it will be useful, and if the producers approve it by at least two-thirds in number or volume in a referendum.

At the time of reporting S. 2092, the committee gave some consideration to a proposal of the National Milk Producers Federation that milk be added to the commodities covered by the bill. At that time the committee felt that marketing orders for milk are substantially different from marketing orders applicable to other commodities and the inclusion of advertising authority for milk would therefore present a somewhat different situation than for other commodities. In fact, the form of the bill would have to be completely changed since marketing research and development projects are not now authorized for milk. There is sentiment on the part of some members of our committee for the extension of this authority to milk. In addition to writing to the committee just prior to the time the committee reported S. 2092, the National Milk Producers Federation offered testimony at page 1139 of the committee's hearings on the Food and Agriculture Act of 1965, suggesting a draft bill to provide such authority for milk. I do not, however, suggest that milk be added at this time. Milk marketing orders do differ substantially from those for fruits and vegetables, and I do believe that a separate bill should be introduced for milk by the sponsors of such a proposal, so that the views of all interested persons could be obtained and the committee could have the advantage of their testimony.

Mr. KUCHEL. Mr. President, I shall not detain the Senate more than a moment.

My able friend, the senior Senator from Florida [Mr. HOLLAND], has once again indicated his dedication to American agriculture and his ability to bring about a successful solution to the problem.

I thank the Senator on behalf of the olive agriculture industry in my State for accepting its position which will be included in this rather excellent piece of legislation.

I ask unanimous consent that a copy of my letter to my able friend the senior Senator from Florida may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 4, 1965.

HON. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Agriculture
Production, Marketing and Stabilization
of Prices, Senate Committee on Agriculture
and Forestry, U.S. Senate, Washington, D.C.

DEAR SPESSARD: I enclose a copy of the letter from Congressman HARLAN HAGEN, of California, with reference to H.R. 10206 now before your committee. He notes that this legislation permits certain specified commodities which are under Federal marketing orders to expend money for advertising and promotion. He states that he understands the olive industry would like to have olives included in the list of stipulated commodities which could take advantage of this provision. I wonder if it would be possible

to include canned olives in this legislation when it is reported from your committee? If you feel testimony is needed from the olive industry on this, I would be glad to contact Mr. R. W. Henderson to whom Congressman HAGEN refers.

With kindest regards.

Sincerely yours,

THOMAS H. KUCHEL.

Mr. KUCHEL. Mr. President, I thank my able friend, the senior Senator from Florida, for the service that he has rendered to American agriculture.

Mr. HOLLAND. I thank the Senator.

Mr. President, I move that the Senate concur in the House amendments, as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. HOLLAND] to the House amendments.

The amendment to the House amendments was agreed to.

The ACTING PRESIDENT pro tempore. The question now recurs on concurring in the House amendments as amended.

The amendments of the House, as amended, were concurred in.

THE GI BILL: AN INVESTMENT, NOT A COST

Mr. YARBOROUGH. Mr. President, 20 years ago this fall, the veterans of the Second World War began to enroll in the educational institutions of this country under the GI bill. Although many people had doubts about the success of this bill, there has been no better proof in our history of education being an investment, not merely a cost.

In the September issue of American Education magazine, a publication begun this year by the Department of Health, Education, and Welfare, Dr. John R. Emens, president of Ball State Teachers College in Muncie, Ind., has written an article entitled, "Education Begets Education." In this article, Dr. Emens describes the vast contributions to this Nation which have come from the World War II GI bill. There is no reason to doubt that similar great and lasting benefits to the Nation will come from the cold war GI bill which this body passed this year by a vote of more than 4 to 1, but which now seems to be bottled up in the House Veterans' Affairs Committee.

Dr. Emens described what happened under the GI bill of World War II when the colleges first opened their doors to veterans in the fall of 1945. He said:

Twenty years ago this fall the first veterans of the Second World War began to enroll in the Nation's educational institutions. They were the beneficiaries of one of the most remarkable acts of faith in America's history—the GI bill of rights. Two decades have passed. Today thousands of the estimated 1,445,000 students beginning college are the children of those former members of the Armed Forces, many of whom were the first of their family lines who had the opportunity of a higher education.

This is, therefore, the anniversary of a precedent-setting moment in our country. An act of Congress was to change the lives of millions of Americans and directly influence the decisions of their children.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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HIGHLIGHTS: For highlights see page 5

HOUSE

1. AGRICULTURAL APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 8370, and acted on amendments in disagreement. Attached is a table showing the changes agreed upon. pp. 26742-7
2. MARKETING ORDERS. Concurred in the Senate amendment to the House amendment to S. 2092, to permit marketing orders for certain fruits and vegetables to provide for paid advertising. This bill will now be sent to the President. p. 26706
3. EDUCATION. By a vote of 313 to 63, agreed to the conference report on H. R. 9567, the aid to higher education bill. pp. 26706-30
4. RIVERS-HARBORS AND FLOOD-CONTROL BILL. By a vote of 221 to 139, agreed to the conference report on this bill, S. 2300. This bill will now be sent to the President. pp. 26730-41

5. BUDGETING. Rep. Halpern spoke in favor of a Joint Committee on the Budget. p. 26762
6. FARM LABOR. Several Representatives debated the termination of the Mexican farm labor program. pp. 26763-80
7. SUGAR. Rep. Hansen, Iowa, inserted his press release defending the House sugar bill. p. 26790
8. ELECTRIFICATION; AREA DEVELOPMENT. Rep. Dent inserted a statement by Pres. Drumm of West Penn Power Co. upon receiving the "E" Service Award from Secretary Connor for area development activity. pp. 26793-4
9. INVESTIGATIONS. The Rules Committee reported with amendment H. Res. 605, authorizing the Agriculture Committee to conduct studies and investigations relating to certain matters within its jurisdiction (H. Rept. 1180). p. 26808
10. TRANSPORTATION. The Interstate and Foreign Commerce Committee reported with amendment S. 1098, to insure adequacy of the railroad freight car supply (H. Rept. 1183). p. 26808
11. SUPPLEMENTAL APPROPRIATIONS. Received from the President a 1966 supplemental request for \$500 million for the Commodity Credit Corporation (H. Doc. 307). This item was considered as a part of the Department of Agriculture and Related Agencies Appropriation Bill, 1966, rather than in the Supplemental Appropriation Bill. p. 26807

SENATE

12. SUPPLEMENTAL APPROPRIATION BILL. Passed with amendments this bill, H.R. 11588 (pp. 26584, 26587-631). No changes were made in appropriations to this Department. (For a listing of the items see Digest 195) As passed the bill also provides \$70 million to the President to carry out the Hurricane Disaster Relief Act of 1965. House and Senate conferees were appointed on the bill (pp. 26781, 26630).
13. SUGAR. Passed, 69-16, with amendments H.R. 11135, the sugar bill. Agreed to an amendment by Sen. Morse to add quotas of 422 short tons each for Honduras and Bolivia, and a technical corrective amendment by Sen. Long, La. Rejected various amendments. Senate and House conferees were appointed. pp. 26560-83, 26730
14. DISASTER RELIEF. The Public Works Committee reported without amendment H.R. 11539, to provide assistance to Fla., La., and Miss. for reconstruction of areas damaged by the recent hurricane (S. Rep. 917). p. 26542
15. FORESTRY. The Interior and Insular Affairs Committee reported without amendment H. R. 797, to establish the Whiskeytown-Shasta-Trinity National Recreation Area, Calif., (S. Rept. 922). p. 26542
16. WATER. The Agriculture Committee reported an original bill, S. 2679, to amend the Watershed Protection and Flood Prevention Act, as amended (S. Rept. 921) (p. 26542). The "Daily Digest" states that this bill is in respect to "maximum flood detention capacity of watershed project structures" (p. D1041).

House of Representatives

WEDNESDAY, OCTOBER 20, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of Scripture: John 3: 16: *For God so loved the world that he gave His only begotten Son that whosoever believeth in Him should not perish, but have everlasting life.*

O Thou who art unchanging in Thy love and goodness, we beseech Thee for Thy companionship and counsel as we walk the ways of life which frequently seem so very dark.

May Thy spirit of peace and power descend upon our troubled souls and hearts, lifting us out of those fears which paralyze our energies into a faith which inspires us with confidence and joy.

Create within us and the Speaker and the Members of Congress those finer feelings and thoughts which are the progenitors of achievement in establishing a more stable and steadfast social order.

Give us the calm assurance that our whole universe is under the control of Thy omnipotent power and that our nobler instincts and capacities shall someday be victorious.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House and a joint resolution of the following titles:

H.R. 1317. An act to provide for the free entry of a mass spectrometer which was imported during May 1963 for the use of Stanford University, Stanford, Calif.;

H.R. 1386. An act to provide for the free entry of one mass spectrometer for the use of Pomona College;

H.R. 1393. An act for the relief of Mrs. Maria Eduvigis Aran Hefferman;

H.R. 1781. An act to amend section 113(a) of title 28, United States Code, to provide that Federal District Court for the Eastern District of North Carolina shall be held at Clinton;

H.R. 2303. An act for the relief of Earnest J. Carlin;

H.R. 2565. An act to provide for the free entry of one mass spectrometer for the use of the University of Chicago;

H.R. 2578. An act for the relief of Maxie L. Rupert;

H.R. 2762. An act for the relief of Manlio Massimiliani;

H.R. 2906. An act for the relief of Mrs. Lily Ning Sheehan;

H.R. 3079. An act for the relief of Mrs. Eleni Bacola Ciacco, doctor of medicine;

H.R. 3126. An act to provide for the free entry of one mass spectrometer for the University of Washington;

H.R. 3905. An act for the relief of Bibi Daljeet Kaur;

H.R. 4832. An act to provide for the free entry of a mass spectrometer for the use of Saint Louis University;

H.R. 5006. An act for the relief of Diosdado F. Almazan;

H.R. 6312. An act for the relief of Mario Menna;

H.R. 6655. An act for the relief of Pieter Cornelis Metzelaar;

H.R. 6666. An act to provide for the free entry of a 90-centimeter split-pole magnetic spectrograph system with orange-peel internal conversion spectrometer attached for the use of the University of Pittsburgh;

H.R. 6720. An act for the relief of Ping-Kwan Fong;

H.R. 6906. An act to provide for the free entry of one mass spectrometer and one split pole spectrograph for the use of the University of Rochester, Rochester, N.Y.;

H.R. 7282. An act for the relief of Richard D. Walsh;

H.R. 7357. An act for the relief Dr. Felipe V. Lavapies;

H.R. 7453. An act for the relief of Margaret Elizabeth and Frederick Henry Todd;

H.R. 7608. An act to provide for the free entry of one automatic steady state distribution machine for the use of the University of Oklahoma, Norman, Okla.;

H.R. 8135. An act for the relief of Jennifer Rebecca Slegel;

H.R. 8232. An act to provide for the free entry of one mass spectrometer-gas chromatograph for the use of Oklahoma State University, Stillwater, Okla.;

H.R. 8272. An act to provide for the free entry of an isotope separator for the use of Princeton University, Princeton, N.J.;

H.R. 9351. An act to provide for the free entry of one shadomaster measuring projector for the use of the University of South Dakota;

H.R. 9587. An act to provide for the free entry of a Craig counter-current distribution apparatus for the use of Colorado State University, Fort Collins, Colo.;

H.R. 9588. An act to provide for the free entry of an electrically driven rotating chair for the use of the Louisiana State University Medical Center, New Orleans, La.;

H.R. 10256. An act for the relief of James D. W. Blyth, his wife, Jean Mary Blyth, and their daughter, Penelope Jean Blyth; and

H.J. Res. 571. Joint resolution to authorize the President to proclaim the week beginning October 25, 1965, as National Parkinson Week.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2571. An act for the relief of Ralph S. DeSocio, Jr.; and

H.R. 9903. An act to provide for the free entry of one multigap magnetic spectrograph for the use of Yale University.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following titles:

S. 516. An act to amend the joint resolution entitled "Joint resolution to establish the Saint Augustine Quadricentennial

Commission, and for other purposes", approved August 14, 1962 (76 Stat. 336), to provide that eight members of such Commission shall be appointed by the President, to provide that such Commission shall not terminate prior to December 31, 1966, and to authorize appropriations for carrying out the provisions of such joint resolution.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9047) entitled "An act to authorize the release of certain quantities of zinc from either the national stockpile or the supplemental stockpile, or both, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SYMINGTON, Mr. CANNON, Mr. YOUNG of Ohio, Mr. INOUE, Mr. MILLER, and Mr. TOWER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to bill (H.R. 10305) entitled "An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 124,200,000 pounds of nickel from the national stockpile, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SYMINGTON, Mr. CANNON, Mr. YOUNG of Ohio, Mr. INOUE, Mr. MILLER, and Mr. TOWER to be the conferees on the part of the Senate.

The message also announced that Mr. PROUTY be appointed a conferee on the bill (S. 2118) entitled "An act to amend sections 9 and 37 of the Shipping Act, 1916, and subsection O of the Ship Mortgage Act, 1920" in place of Mr. DOMINICK, excused.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the joint select committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 66-7.

ADJUSTMENTS IN ANNUITIES UNDER THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4170) to provide for adjustments in annuities under the Foreign Service retirement and disability system, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 18, strike out all after "annuitant" down to and including "on" in line 19 and insert "prior to".

Page 3, line 21, strike out "during such period" and insert "prior to such date".

Page 3, lines 22 and 23, strike out "on October 16, 1960," and insert "at the time of such retirement."

Page 4, line 1, strike out all after "month." down to and including "date." in line 9.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman give us a brief explanation of the meaning of these amendments? Does this have to do with the bill providing for select-out procedure in the State Department and related agencies?

Mr. HAYS. Mr. Speaker, if the gentleman will yield, this is a bill which gave the Foreign Service officers who retired before October 16, 1960, when the law was changed, and who were married at that time, but made no provision for survivors' annuity, the opportunity to elect such annuity of \$2,400 provided, first, they paid back for that annuity at the rate of \$300 per year.

Mr. GROSS. I thank the gentleman from Ohio for his explanation.

Mr. Speaker, I withdraw my reservation.

[Mr. ADAIR addressed the House. His remarks will appear hereafter in the Appendix.]

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

(Mr. HAYS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HAYS. Mr. Speaker, as H.R. 4170 passed the House, it gave to those Foreign Service officers who retired before October 16, 1960, and who were married at that time but made no provision for a survivor annuity, the opportunity to elect such an annuity of \$2,400 provided, first, they paid back for that annuity at the rate of \$300 per year dating from October 1960, and second, paid the current cost of such annuity which is \$300 per year. Further if the annuitant died before completing his repayments, the widow and the estate were relieved of further payments. The House bill also made clear that the Secretary of State could deduct monthly repayments made by the annuitant from the annuity paid him, thus simplifying the bookkeeping of the Department.

The Senate struck all this out. The effect of the Senate amendments is to permit a Foreign Service officer who retired before October 16, 1960, and who had made no provision for a survivor annuity to make such an election for \$2,400 annuity provided he paid \$1,200 per year for the period since his retirement plus \$300 per year for the current survivor annuity. Many of these officers retired 15 or 20 years ago at low annuities which is one of the reasons they were unable at the time of retirement to provide for their widows. Now they are required under the Senate amendment to pay back sums of \$18,000 to \$24,000 or

more in order to provide \$2,400 a year for their widows. They may, of course, pay in small monthly installments. But should they die before completing the repayments, their estate is held liable for the unpaid balance. The widow would receive a \$2,400 annuity until she died.

I cannot imagine the Government proceeding against a small estate of an elderly couple whose life savings may amount only to a few thousand dollars. Certainly in these days of solicitude for our elderly citizens there must be greater sources of untapped revenue lying around. If the annuitant is wise, he will arrange his affairs so that the Government will not be able to establish any claim upon his death. There are provisions of law for compromise of claims in favor of the United States upon the recommendation of those having charge of the claims—31 U.S.C. 194. It is the expectation of those who have handled the bill in the House that this provision of law not be overlooked in settling any claim that might arise under this amended language.

There may be some confusion about the mechanics of how any repayments will be handled on the monthly installment plan provided for in the House bill. As a result of Senate amendment No. 4, this matter is left in the air. It is the understanding of the members who handled this bill in the House that the Secretary of State will now not have the authority to deduct the monthly repayments of any annuitant from his monthly retirement check.

The House is confronted with one of two choices. Either it accepts the Senate amendments which will attempt to extract every penny from many low-income annuitants or it rejects the bill in its entirety which contains some advantages for other older retired Foreign Service officers and their widows. Informal conversations lead me to believe that a conference would be a waste of time in view of the adamant attitude of the other body. I, therefore, reluctantly recommend to the House that it adopt the bill with the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ELECTION TO COMMITTEE

Mr. KING of California. Mr. Speaker, I offer a privileged resolution (H. Res. 612) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 612

Resolved, That PHILLIP BURTON, of California, be and he is hereby elected a member of the standing Committee of the House of Representatives on Education and Labor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING THE AGRICULTURAL MARKETING ACT OF 1937

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (S. 2092) to amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to celery, sweet corn, limes, or avocados to provide for paid advertising, with Senate amendment to the House amendment thereto, and to concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 11, of the House engrossed amendments, after "limes," insert "olives, pecans."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment to the House engrossed amendments was concurred in.

A motion to reconsider was laid on the table.

CORRECTION OF ROLL CALL

Mr. CALLAN. Mr. Speaker, on roll call No. 365 on October 13, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent, that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 373]

Andrews,	Ford,	Pool
George W.	William D.	Reifel
Andrews,	Frelinghuysen	Rivers, Alaska
N. Dak.	Fuqua	Rivers, S.C.
Aspinall	Hagan, Ga.	Robison
Baring	Hardy	Roudebush
Bell	Hosmer	Schisler
Berry	Leggett	Senner
Blatnik	Lennon	Sisk
Bolling	Lindsay	Sullivan
Callaway	Love	Talcott
Casey	Mackay	Tenzer
Clausen,	Martin, Mass.	Thomas
Don H.	Martin, Nebr.	Thompson, N.J.
Culver	Matthews	Thompson, Tex.
Davis, Wis.	May	Toll
Diggs	Moeller	Tunney
Dingell	Mosher	Walker, N. Mex.
Dorn	O'Konski	Watkins
Edwards, Ala.	O'Neal, Ga.	Willis
Flynt	Poage	Wilson, Bob

The SPEAKER. On this roll call 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HIGHER EDUCATION ACT OF 1965

Mr. POWELL. Mr. Speaker, I call up the conference report on the bill (H.R.



Public Law 89-330
89th Congress, S. 2092
November 8, 1965

An Act

79 STAT. 1270

To amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to various fruits and vegetables to provide for paid advertising.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(a) Section 2(3) is amended by inserting "such container and pack requirements provided in section 8(c)(6)(H)", immediately after "establish and maintain".

(b) The proviso at the end of section 8c(6)(I) is amended by inserting: ", carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, or avocados" immediately after "applicable to cherries".

Approved November 8, 1965.

Agriculture.
Marketing
orders, paid
advertising.

61 Stat. 707.
7 USC 602.

68 Stat. 906;
76 Stat. 632.
7 USC 608c.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 846 accompanying H.R. 10206 (Comm. on Agriculture).

SENATE REPORT No. 648 (Comm. on Agriculture & Forestry).
CONGRESSIONAL RECORD, Vol. 111 (1965):

Aug. 30: Considered and passed Senate.

Sept. 7: H.R. 10206 considered and passed House.

Oct. 14: Considered and passed House, amended, in lieu of H.R. 10206.

Oct. 18: Senate concurred in House amendment with an amendment.

Oct. 20: House concurred in Senate amendment.

